

# TOWN OF MARSHALL

## BYLAW 07-2010

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

### 1. DEFINITIONS:

1. Cemetery Cemetery means land owned by the Town of Marshall 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 NW ¼ 29-48-26-W3
2. Perpetual Care. Shall mean the basic maintenance of all lots and shall include leveling of the ground and the seeding and cutting of grass as required. It shall not include the maintenance repair or replacement of monuments or markers.
3. Block A division of land in a cemetery which is subdivided into plots.
4. Plots A sub-division of land in the cemetery comprised of two, but not more than four (4) grave lots.
5. Town Shall mean the Town of Marshall.
6. Council Shall mean the Council of the Town of Marshall.
7. Administrator Shall mean the Administrator of the Town of Marshall who is also in charge of the cemetery.
8. Marker Shall mean a memorial that is installed with the top (upper surface) flush or level with the ground.
9. Base Shall mean the bottom part or lower portion of a monument.
10. Monument shall mean a memorial or tombstone which shall extend above the surface of the ground.
11. Licensee Shall mean a person or persons who purchase a lot or plot in the cemetery.

### 2. GENERAL RULES

1. The cemetery will be open from 8:00 A.M. to 9:00 P.M. from May 1<sup>st</sup> to October 31<sup>st</sup>, and from 8:00 A.M. to 5:00 P.M. from November 1<sup>st</sup> to April 30<sup>th</sup>.
2. 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.
3. All persons, while in the cemetery, shall conduct themselves in a quiet and orderly manner.
4. 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
5. Persons within the cemetery shall use only the paths and roadways and no one is permitted to walk upon a grave where someone is buried.
6. 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 plants, or from writing upon, defacing, or otherwise damaging any monument or marker fence or other structure within the cemetery grounds.
7. 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.
8. Children under 15 years of age are not permitted within the cemetery or its buildings unless accompanied by proper persons to take care of them.
9. Receptacles for waste material are located at convenient places. Hence, the throwing of rubbish on the drives and paths or on any part of the grounds or in the buildings is prohibited/

10. After passing of this Bylaw, any fence, border, railing, wall, curbing, coping, hedge, trellis or grave covering of any kind erected previous to the passing of this Bylaw may be removed by the Administrator 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.
11. 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 sentence in these rules and regulations at any time and without notice.
12. Out of respect, all work of any description shall cease while a funeral or interment is being conducted or interment is being conducted nearby. All trucks and workmen shall withdraw to a reasonable distance for the location of the funeral service.

### **3. LOTS AND PLOT OWNERS**

1. The Town Administrator 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.
2. The Town Administrator 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.
3. The Council 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.
4. 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 said schedule may be amended from time to time by resolution of the Council.
5. Cemetery lots and plots shall not be sold or transferred by the Licensee, but if not required by the Licensee, shall be transferred back to the Town of Marshall. In case of transfer to the Town, the Town will refund to the Licensee, all moneys paid by him less a transfer fee of \$25.00
6. No lot or plot shall be used for any other purpose than for the burial of the human body.
7. The Town Administrator shall take all 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 disclaims all responsibility for loss or damage from causes its' reasonable control, and especially from damage caused by the elements, an act of God, common enemies, thieves, vandals, strikes, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots, or order of any military or civil authority, whether the damage be direct or collateral other than as herein provided.
8. It is the duty of the Licensee to notify the Town of any changes in his or her Post Office address.

### **4. INTERMENTS AND DISINTERMENTS**

1. 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 provision of the Bylaw.
2. Before an interment is made in any grave, an application in writing shall be made to the Town Administrator and all fees for services as set forth in Schedule "A" shall be paid by the applicant.
3. Payment of any and all indebtedness due to the Cemetery must be made before any interment is made.
4. No interment of two or more bodies shall be made in one grave except in the case of adult and child or two infants buried in one casket or when bodies are cremated interment of husband and wife and or one child will be permitted on one lot and a family plot (husband, wife and children) will be permitted on two lots. The interment of one body and one or two cremations shall be allowed in one lot. The interment of three cremations shall be allowed in one lot.
5. Cremated remains may be interred in a lot after receiving authorization from the Administrator and upon payment of the fees as set out in Schedule "A" attached.

6. It shall be the duty of the Town to stake a lot before digging.
7. 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.
8. No person other than a qualified funeral director shall have charge of the interment of any human body.
9. Notice that an interment is to take place shall be given to the Administrator at least 36 hours before the interment is to take place during the period from November 1<sup>st</sup> to April 30<sup>th</sup>, and at least 24 hours before the interment is to take place during the period from May 1<sup>st</sup> to October 31<sup>st</sup>. This shall not apply in the case of a person who dies of any communicable disease.
10. No person shall disinter or remove a body from any lot or plot without first producing a written order from the licensee of such lot or plot and a permit for such disinterment or removal from the Provincial Health Officer.
11. By order of the Town Council, the Administrator shall furnish graves in the Cemetery without charge for the dead of indigent poor of any denomination.
12. Interment shall be made only between the hours of 7:00 A.M. and 5:00 P.M. on days other than Sunday or Statutory Holidays. 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.
13. No interment shall be permitted in the Cemetery unless a proper burial certificate is produced by the party applying for the burial.

#### **5. CORRECTION OF ERRORS**

1. 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 lot or plot where an interment is to be or has been made.

#### **6. CARE OF LOTS OR PLOTS**

1. To obtain the best landscape effect, it is essential that the Council shall assume general care of the Cemetery. The Licensee of lots or plots shall observe all rules and regulations passed from time to time by the Council for keeping the lots and plots in order.
2. All grave surfaces are to be seeded under the supervision of the Administrator
3. A Licensee desiring care of their lot or plot, may arrange for such care with the Administrator.
4. No person shall be permitted to do any work on any plot or lot except with the consent of the Administrator. However, Licensees, his heirs, his executors, or administrators of any lot or plot shall have the right to cultivate trees, shrubs, or plants for the purpose of adorning their lots or plots providing such work is done under the supervision of and with the consent of the satisfaction of the Administrator.
5. The Town Administrator 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 Town Administrator.
6. Whenever any owner of a monument or marker or cover neglects to make the required 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 to the Town of Marshall.
7. No person shall remove the sod from a lot or plot, or from any portion of a lot or plot in the Cemetery without first obtaining written consent of the Administrator.
8. Fences, Borders, Railing, Walls, Curbing, Coping, Hedges, Trellises, Posts, or Grave Covering of any kind in or around a lot or plot in existence to the passing of this Bylaw will be removed free of charge by the Town of Marshall upon request by the Licensee.
9. Any Fence, Border, Railing, Wall, Curbing, Coping, Hedge, Post, Trellis, or Grave Coverings of any kind erected previous to the passing of this Bylaw may be removed by the Administrator 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 a written notice has been forwarded to him at his last known address.

10. The Administrator 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 judgment of the Administrator, they become unsightly, dangerous, detrimental or diseased.
11. The Administrator reserved the right to prevent the removal of any flowers, floral designs, trees, shrubs, plant of herbage of any kind.
12. 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.

## **7. ENFORCEMENT OF RULES**

1. The Administrator is hereby empowered to enforce all rules and regulations and to exclude from the Cemetery, any person violating same. The Administrator shall have charge of the grounds and buildings including the conduct of funerals, traffic, employee's lot and plot owners at all times.

## **8. PLANTS AND SHRUBS**

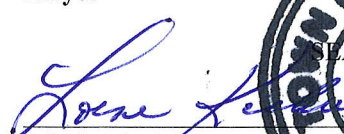
1. The Town of Marshall will undertake to maintain as may be practical, the planting of trees and shrubs to preserve and maintain landscape features, but will not undertake to maintain individual plantings or urns of plants.
2. The Town Administrator shall not be responsible for frozen plants or herbage of any kind or for planting damaged by the elements, thieves, vandals or other cause beyond their control.
3. If any tree, shrub or plant situated on any plot or part thereof shall become in the opinion of the Administrator 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 Administrator shall have the power to remove any such tree, shrub or plant or parts thereof.
4. No trees or shrubs located on any grave or lot shall be cut down or trimmed except by permission of the Administrator.

## **9. MONUMENTS, MARKERS, OR CORNER POSTS**

1. 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 Administrator.
2. No monument or marker will be erected, altered or removed, inscription added, resurfacing, 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 Administrator
3. A Marker may be installed without a foundation providing it is set so that the top is level (flush) with the ground surface.
4. 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 Administrator
5. For the protection of Lot and Plot Owners, any person erecting, cleaning, repairing or removing monuments or markers shall furnish the Town Administrator with all the necessary information required by him and shall obtain a permit after paying the fees set out in Schedule "A" "B" or "C" attached, and forming part of this Bylaw.
6. The length of the base of a monument shall not exceed 75% of the width of the lot or plot.
7. No grave covers shall be constructed, only head stones or markers shall be erected as set out in this Bylaw.
8. All workmen employed on any work in the cemetery shall comply with all orders from the Administrator.
9. Out of respect, all work of any description shall cease while a funeral or interment is being conducted nearby. All trucks and workman shall withdraw to a reasonable distance from the location of the funeral service.

10. Each monument shall be set on a concrete foundation constructed under the direction of the Administrator, and all specifications for the foundation shall be furnished by the said Administrator or approved by him/her.
11. 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.
12. 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 pt lot shall move same on a plank or otherwise protect such path or lot from injury or damage.
13. Heavy loads will not be allowed to enter the Cemetery when the roads are in an unfit condition.
14. No monument or marker shall be erected on a Sunday or Statutory Holiday and no work shall be permitted in connection with the erection, repairing or cleaning of a monument or marker before sunrise or after sunset
15. All foundations must be at least Eight (8) centimeters from the rear line of the Lot or Plot.
16. Any person found guilty of an infraction of this Bylaw shall be liable to a fine according to the General Penalty Bylaw.
17. Bylaw 3-90 is hereby repealed

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Administrator



Certified a true copy of bylaw 07-201  
Passed by resolution of Council on  
9 Day of Nov., 2010

  
\_\_\_\_\_  
Administrator

**SCHDEULE “A”  
To Bylaw 07-2010**

1.	Single Grave	-	Resident	\$150.00
		-	Non-Resident	\$500.00
	Double Grave	-	Resident	\$300.00
		-	Non-Resident	\$1000.00
		-		
2.	Permit for installing a marker			\$20.00
3.	Permit for installing a monument			\$20.00
4.	Permit for Cleaning, Repairing or removing a monument or marker:			
				\$20.00

SCHDEULE "B"  
To Bylaw 07-2010

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

Name of Monument Company: \_\_\_\_\_

Phone # \_\_\_\_\_ Fax # \_\_\_\_\_

Name of Purchaser: \_\_\_\_\_ Name of Deceased. \_\_\_\_\_

Address of Purchaser. \_\_\_\_\_

Phone No. of Purchaser \_\_\_\_\_

Location of Grave. Block No. \_\_\_\_\_ Plot No. \_\_\_\_\_ Lot No. \_\_\_\_\_

Type of Monument:

Material Used:

\_\_\_\_\_ Flat

\_\_\_\_\_ Granite

\_\_\_\_\_ Bronze

\_\_\_\_\_ Pillow

\_\_\_\_\_ Marble

\_\_\_\_\_ Fieldstone

\_\_\_\_\_ Upright

\_\_\_\_\_ Composite Granite or Marble

\_\_\_\_\_ Other

\_\_\_\_\_ Other

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 sided 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: \_\_\_\_\_

Office Use Only:

Monument approved for placement by: \_\_\_\_\_

Title: \_\_\_\_\_

Signature of approver: \_\_\_\_\_ Date of approval: \_\_\_\_\_

Payment: Fee: \_\_\_\_\_ Method of payment: \_\_\_\_\_

Additional comments: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

SCHEDULE "C"

To Bylaw 07-2010

Permit to Clean, Repair or Remove a Monument or Marker

Name of person doing the work: \_\_\_\_\_

Telephone No. \_\_\_\_\_

Name of purchaser: \_\_\_\_\_

Deceased: \_\_\_\_\_

Address of Purchaser: \_\_\_\_\_ Telephone No. \_\_\_\_\_

Location: Block \_\_\_\_\_ Plot: \_\_\_\_\_ Lot: \_\_\_\_\_

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

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

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

Office Use Only:

Permit approved by: \_\_\_\_\_

Fee Received: \_\_\_\_\_ Receipt No. \_\_\_\_\_

Date of approval: \_\_\_\_\_

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