

**TOWN OF MOOSOMIN
BYLAW NO. 2015 – 03**

A BYLAW TO PROVIDE FOR THE MANAGEMENT AND CONTROL OF THE MOOSOMIN SOUTH CEMETERY.

THE COUNCIL FOR THE TOWN OF MOOSOMIN, IN THE PROVINCE OF SASKATCHEWAN,
ENACTS AS FOLLOWS:

INTERPRETATIONS:

“Town” means the Town of Moosomin.

- A) “Council” means the Council of the Town of Moosomin.
B) “Administrator” means the Administrator of the Town of Moosomin.

1. This bylaw shall be known as the “*Management and Control of South Cemetery*” Bylaw.
2. Whereas the following land has been declared to be a Cemetery of the Town of Moosomin, and shall here after be known as “The South Cemetery” namely:
 - a) All that portion of the North East Quarter of Section Twenty-Nine (29) in Township Thirteen (13), in Range Thirty-One (31), West of the Principal Meridian, described as follows:
Commencing at a point on the Eastern boundary of the said Quarter Section, 880 feet six inches south of the most North Easterly corner thereof, thence Westerly and parallel with the North boundary of said Quarter Section 1238 and eight-tenths feet, thence Southerly and parallel with the said Eastern boundary 612 feet, thence 1238 and eight-tenths feet to the said Eastern boundary to the point of commencement.

Excepting:

That portion of Block B, Registered Plan No. 72R16767 taken out of the North East Corner, Southerly & Westerly from the said point of commencement.
3. No person shall inter a human body in any land situated within the limits of the Town, other than in the said South Cemetery, or other designated cemeteries approved by the Town Council.
4. Lots for burial purposes and graves in the South Cemetery may be acquired by any person upon application to the Town Administrator and upon payment of the appropriate fee therefore as hereinafter specified.
5. Any person acquiring a lot or grave under the provisions of the next proceeding section shall only acquire the right or privilege of burial of the dead therein, and of erecting cenotaphs or other monuments thereon subject to the regulations herein contained, and any other regulations which may be in force from time to time, and shall not be deemed to acquire any title to the land which shall remain vested in the Town for all time.
6. The Administrator shall furnish to every person acquiring a lot under the provisions of Section 3, thereof, a general receipt of the Town describing the lot acquired, and said Administrator shall also record or cause to be recorded in writing, in a book kept for the purpose, the date of the transaction, a description of the lot, and the name of the person acquiring same.
7. Any person who has acquired a lot pursuant to Section 3 hereof, may have same transferred to any person upon presentation of his receipt and a note indicating over his signature the name of the person to who he intends to transfer the lot.
8. In case any receipt is lost or destroyed, the holder may secure a certified copy thereof upon making application therefore to the Administrator and upon payment of a fee of Ten Dollars (\$10.00)
9. In case the holder of a receipt or certificate shall die without having transferred same, an application may be made by his legal representative or heirs entitled to inherit real property, under the laws of Saskatchewan for the issuance of a certificate to such heirs jointly, provided that nothing herein contained shall be constructed to prevent the interment in the lot or grave for which a receipt or certificate was issued to any person who was the holder thereof at the time of his death.
10. No certificate shall be issued under the provisions of the next preceding section unless the applicant therefore makes a statutory declaration before the Administrator stating the persons whose names appear in the proposed certificate are the heirs entitled thereto as foresaid.

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11. No interment order shall be issued to any person prior to his paying to the Town, all fees provided by this Bylaw in connection with the proposed interment. Provided that this section shall not apply to interment orders issued for the burial of an indigent (underprivileged) person.

12. **FEEES:**

(1) BURIALS:

(a) The fees throughout this bylaw shall be charged as general revenue, and be deposited into the general account of the Town of Moosomin and shall include payment for perpetual care:

For each single Grave.....\$500.00

(b) The Town of Moosomin will also have sole right to excavate all graves within the Cemetery, and said rate to excavate a grave shall be \$400.00 and this fee shall be known as a "Plot Excavation Fee". However, the Town will not be responsible for excavation for any cremated remains.

(c) A fee of \$100.00 shall be charged for every occurrence of an excavation of land for burial purpose, over and above the amount stated in 12 (b). This fee shall be known as "Excavation Maintenance Fee", which is used for costs associated with ongoing future leveling of the burial site, after excavation.

(2) COLUMBARIUM:

(a) A fee of \$500.00 shall be charged for each Columbarium compartment, for which to place interred cremated human remains.

(b) A fee of \$200.00 "per opening" will be charged for the Town of Moosomin opening/unlocking of the columbarium, in which to place the interred cremated human remains.

(c) That pending the size of the actual urns being used, etc. that a maximum of (2) two cremated human remains may be placed in each compartment.

(c) That the Municipality will supply a granite door/cover to the owner or representative of the Columbarium to have the information of the decease engraved/etched (*as the case may be*) onto the door/cover by a corporation so chosen by, and at the expense the owner or representative, and once the door/cover is returned to the Town of Moosomin with the identification as required/desired, the municipality will then take off the unnamed door/cover and replace with the new door/cover with the deceased information, at the proper location on the Columbarium.

(d) That in cases where a person has previously purchased a plot in the South Cemetery for burial purposes, and that person now wishes to obtain a Columbarium compartment, that he/she or his/her representative may return the ownership of the plot to the Town of Moosomin (for future sale to other parties), and obtain ownership of a Columbarium compartment, at a "straight across trade" regardless of previous purchase price.

(e) That in cases where a deceased individual(s) have had their ashes spread at another location, the ends of the Columbarium may be used for the placement of plaques for memorial purposes. Plaques will be supplied by the Town of Moosomin for the sum of \$250.00, and once so engraved or etched (*as the case may be*), which is at the cost of the person proceeding with the memorial, the municipality will see to the placement of the memorial marker at the proper location on the end of the Columbarium.

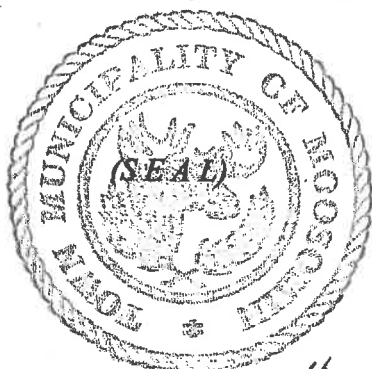
13. All lots sold in the South Cemetery shall hereafter be subject to perpetual care: such perpetual care meaning and being the leveling of the ground, seeding and mowing the grass, and keeping straight the monuments, tombstones or like structures. This regulation sets forth what, in the interest of these portions of the cemeteries is absolutely necessary, but does not include replacing, repairing and cleaning monuments, tombstones, grave covers, or any other like structures.

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14. The existing perpetual care trust fund monies established since 1973 shall be maintained at a principal amount of Twenty Thousand Dollars (\$20,000.00), and invested in the "Cemetery Reserve Fund." The interest in the fund shall be expended from time to time for perpetual care purposes and/or Cemetery enhancements according to Section 13.
15. In all cases where bodies are exhumed from single graves, or lot, the use of the grave or lot shall revert to the Town, and the person having the right to the use of the grave or lot shall, upon surrender of this receipt or certificate to the Administrator, be entitled to no refund.
16. No body or cremated remains shall be exhumed except in compliance with and subject to the provision of this Bylaw.
17. No person shall exhume any body in the South Cemetery until he has first notified the Town Office.
18.
 - (a) No person other than a qualified Undertaker shall have charge of the interment or disinterment of any human body.
 - (b) Interment of cremated remains need not be in charge of a qualified Undertaker if registered proof of death and cremation plus ownership of a lot is provided to the Town of Moosomin.
 - (c) Cremated remains must be buried at least 76 centimetres (Approx. 30") below ground.
19. Not more than one interment shall be permitted in any gravesite , with these exceptions:
 - (a) Maximum three interments if the casket is first and two cremations follow, or
 - (b) Three cremations, if only cremations are interred in the plot.
20.
 - (a) No person shall place or erect in the cemetery any tombstone or monument or any like structure, or make alteration to same heretofore erected, until he shall have furnished the Administrator with all necessary information required by him and shall have obtained authority therefore.
 - (b) Monuments shall be granite, marble, and / or bronze.
 - (c) All monuments or tombstones shall not be more than 100 centimetres (Approx. 40") high. *includes*
 - (d) A minimum requirement of a plywood rough box, for all burials in the Moosomin South Cemetery.
21. All monuments must be set at the head of the grave and in a line designated by the Cemetery Caretaker.
22. Should any monument, tombstone, grave cover, or like structure now in place or erected hereafter in the cemetery be in a state of disrepair, the Town shall give notice in writing to the owner and/or family to remedy the problem so determined by Council or Committee of Council. If no action is taken by the owner and/or family by the date as specified in the letter, the Town hereby has the right to remedy the situation at the Municipality's expense.
23.
 - (a) No person shall install or cause to be installed any type of borders around gravesites.
 - (b) No person shall install or cause to be installed any type of covers on gravesites.
 - (c) No non-permanent items may be placed around a monument or on a gravesite.
Exceptions are:
 - (i) a metal garden hook, from which to hang a pot of flowers
 - (ii) a solar light.
 - (d) No trees, flowers, shrubs, or similar plant growth shall be planted on any plot in the Cemetery.
24. No person shall:
 - (a) Willfully destroy, mutilate, deface, injure or remove a tombstone, marker, monument or other structures placed in a cemetery or a fence, railing, or other work for the protection or ornamentation of a cemetery or of any such tombstone, marker, monument, or other structure, or of a lot in a cemetery.

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- (b) Willfully destroy, cut, break, or injure a tree, shrub or plant in a Cemetery, or willfully injure, destroy or deface a building or structure or a road, walk or other works in a cemetery.
 - (c) Play a game or sport in a Cemetery.
 - (d) Discharge firearms in a Cemetery except at a Military Funeral.
 - (e) Willfully and unlawfully disturb persons assembled for the purpose of a burying a body in a Cemetery.
 - (f) Commit a nuisance in a Cemetery.
 - (g) Allow livestock within the limits of a Cemetery.
25. The Administrator, shall keep a register in which he shall record full particulars of all certificates and interment orders issued and of all fees received by him.
26. In case an application is made to the Administrator for the interment of the body of an indigent person he may issue an interment order for the burial of such body without fee.
27. If any of the provisions of this Bylaw contravene any of the provisions of the Cemetery Act or Public Health Act, the provisions of the Acts shall apply.
28. Any person found guilty of any offense under the Cemetery Bylaw shall be subject to a fine of not less than One Hundred Dollars (\$100.00) and not more than Five Hundred Dollars (\$500.00) for the first offence and not more than One Thousand Dollars (\$1000.00) for the second offense.
29. This bylaw shall come into force and take effect, upon third reading thereof.
30. Bylaw No 2010-07 is hereby repealed.




MAYOR


CHIEF ADMINISTRATIVE OFFICER

Given first reading this 25th, day of MARCH, 2015.

Given second reading this 25th, day of MARCH, 2015.

Given third reading this 25th, day of MARCH, 2015.

Certified a true copy of a bylaw
adopted by resolution No. 16
of the Council of the Town of
Moosomin, Saskatchewan this 25th
day of March, A.D. 2015


Town Administrator

