

A BYLAW OF THE RURAL MUNICIPALITY OF BENGOUGH NO. 40 TO PROVIDE FOR THE REGULATION AND CONTROL OF CEMETERIES UNDER MUNICIPAL JURISDICTION AND TO REGULATE THE BURIAL OF DEAD THEREIN

1. This bylaw may be sited as the Cemetery Bylaw.
2. **Cemetery:** Means land within or outside the limits of the Rural Municipality of Bengough No. 40 set apart for use as a place for the interment of the dead or in which human bodies have been buried, known as Public Cemeteries and as listed in Schedule "A" of this bylaw.
3. **Cemetery Caretaker:** Shall be appointed by Council resolution at the first Municipal Meeting of the Year. (Or)
Cemetery Board: shall consist of the following who would be appointed annually in January.
 - Administrator - shall be the Administrator of the Municipality
 - Members of the Rural Municipality Council.
 - Two Members at large appointed by the Municipal Council.
 - The above committee would select their own chairperson.
4. **Municipality:** means the Rural Municipality of Bengough No. 40.
5. **Grave Lot:** Means a division of land in the Cemeteries for the purpose of a single burial, and not exceeding 5' X 12'.
6. **Monument:** Means a structure in the cemetery erected or constructed on a lot or lots in memorial to the dead.
7. **Certificate:** Means proof of vested interest in a lot of the Municipal Cemeteries(License). Every Certificate shall be in the form set forth in Schedule "B"
Certificates shall be sold in the next lot available in the series of lots that are being sold at the time.
8. Notwithstanding section 2, the Council by agreement with Zion Lutheran Church members, reserved an area of the Bengough-Zion Cemetery to be used exclusively for the interment of deceased members of the church. No person shall be issued a Certificate to use grave space in the reserved area unless his application to the Municipality to purchase a Certificate is accompanied by a certificate from the church, stating that, he or the person on whose behalf he may be acting, is entitled to burial in the reserved area.
9. The Municipality shall honour any plot reservations with Zion Lutheran Church Members, which have previously been made; all future applications for use of the reserved area of Bengough-Zion Cemetery shall be in accordance with the terms of this Bylaw. An exception to accommodate spouses desirous of being buried together, but with different burial requests, can be considered by whereby the ashes of the spouse will be allowed in a lot prior to casket burial. This exception can also be extended to children who predecease their parents.
10. All Certificates issued and services rendered by the Municipality under these conditions shall be subject to payment at the regular rates set forth by resolution of the Council of the Municipality. No grave shall be opened until payment has been made for a Certificate.

GENERAL RULES:

11. A. The Municipality may grant a Certificate to any person for the exclusive use of any lot. The Certificate shall be subject to all provisions of this bylaw and any amendments or regulations passed from time to time by the Council of the Rural Municipality of Bengough No. 40.
- B. The Certificate fee and all other charges for work done or services rendered shall be in accordance with the rates set forth by the Council of the Rural Municipality of Bengough No. 40.
- C. Lots shall not be resold or transferred by the certificate holder. A Certificate Holder may surrender his/her certificate to the Municipality for any unused lot. The Municipality will refund to the original Certificate Holder the original purchase price of the Certificate less a transfer fee.
- D. Whenever the remains of a grave lot or lots are removed, the grave space or spaces so vacated shall revert to the Municipality.
- E. No grave shall be used for any other purposes other than for the burial of the human dead.
- F. No person shall bury any dead body in the Cemeteries until such person shall have complied with the provisions of the Public Health Act and the Vital Statistics Act and with the regulations issued thereunder and also with the provisions of this bylaw.
- G. A person may reserve spousal (side by side) grave lots, by paying in full, the current price as established by Council by way of resolution.
- H. All visitors, while in the Cemeteries, shall conduct themselves in a quite and orderly manner.
- I. Persons visiting the Cemeteries or attending funerals are strictly prohibited from picking flowers, wild, or cultivated, breaching, or injuring any tree, shrub or plants, or from writing upon, defacing, or injuring any memorial, fence or other structure within the Cemetery grounds.
- J. Chemical use (herbicide/insecticide) is prohibited in all cemeteries administered by the Municipality.
- K. The provisions of this bylaw shall not prohibit persons from mowing cemetery, where reasonable notice has been given to Cemetery Board.

DUTIES OF THE CEMETERY BOARD (or Cemetery Caretaker):

12. A. All the powers granted to the Cemetery Board/Caretaker by this bylaw shall be subject to the supervision and control of the Council of the municipality, through the Administrator.
- B. The Cemetery Board/Caretaker shall have charge of the Cemeteries and control all of maintenance performed and such other works that are carried out at the Cemeteries.

DUTIES OF THE MUNICIPAL ADMINISTRATOR:

13. A. All sale of grave lots in the cemetery shall be made by the Municipal Administrator or Cemetery Board, and the Municipal Administrator shall receive all moneys resulting from the sale of such grave lots.
- B. The Municipal Administrator shall set up a fund called the Municipal Cemetery Assurance Fund in which shall be deposited all fees received by way of sale of Cemetery Certificates or services rendered for Cemeteries the Municipality manages.
- C. All grave lots shall be described according to a Plan of Record in the Municipal Office. Suitable books of records shall be kept in the Municipal Office to record the description of each lot in the Cemeteries, together with the name and address of the owner thereof, and such other records shall be kept to give a complete record of all business transacted in connection with the Cemeteries. The records of the Cemeteries shall be open to inspection during regular office hours.
- D. It shall be the duty of the Administrator to keep an up to date duplicate copy of the Plan of Record in his/her possession.

DUTIES OF THE MUNICIPAL ADMINISTRATOR:

13. E. The income from the Cemeteries the Municipality manages may be paid to the Cemetery Board/Caretaker as designated from time to time, for the general upkeep of the Cemeteries as may be required. The Cemetery Board/Caretaker must requisition such sum from the Municipality setting out where such sum is to be paid. The principal monies and interest of the Municipal Assurance Fund may be expended from time to time on capital projects for designated Cemeteries, as approved by Council of the Municipality resolution.

INTERMENTS AND DISINTERMENTS:

14. A. The Interment of an unclaimed body or a destitute person(s) shall be in the next lot available in the series of lots that are being sold at the time.
- B. No interment of two or more bodies shall be made in one grave lot, except in the case of Parent and Child or two infants buried in one lot.
- C. No interment of more than two cremated bodies shall be made in one grave lot, or more than one cremated body with one human body in one grave lot. In all cases, the interments of cremated bodies shall be made at the more extreme right hand and/or left hand corners (s) at the head of the grave lot with an identifying marker placed directly above the vessels or containers.
- D. No grave for burial of a cadaver shall be less than six feet in depth from the surface of the ground.
- E. No person other than a qualified Funeral Director shall have charge of the interment or disinterment of any human body.
- F. Whenever a lot is held jointly by two or more parties, authority for interment in such lot or any part thereof, will be accepted by the Municipality from any one of the said parties or their Executors or Agents.
- G. No interments shall be permitted in the Cemeteries unless a proper burial permit is produced by the party applying for the burial.
- H. No disinterment shall be made without written authority from the Certificate Holder of the lot in question or his Heirs, Executors or Assigns. No disinterment shall be made until a permit has been obtained from the minister of Public Health or the Province of Saskatchewan.

CARE OF GRAVES:

15. A. The Council of the Rural Municipality of Bengough No. 40 shall assume the general care of all Cemeteries. The Certificate Holder, Heirs, Executors or Assigns shall observe all rules and regulations passed from time to time by Council for keeping the grave lots in order.
- B. After the passing of this bylaw, no borders, fences, railing, trellises, copings, hedges, grave covers, concrete or stone corners or iron posts shall be constructed or planted in or around any grave lot without prior approval of the Cemetery Board/Caretaker upon consultation with Municipal Council.
- C. Any border, fence, railing, coping, hedge, grave cover or any other bounding or enclosing material erected before the passing of this bylaw may be removed by the Municipality for reason of neglect or age if it becomes in a state of disrepair and the Certificate Holder neglects or refuses to repair or remove the same within sixty (60) days after a notice in writing so to do has been forwarded to him/her at the last known address, as provided in Section 16, Subsection D of this bylaw.
- D. The Cemetery Board/Caretaker shall have authority to remove, or have removed, all floral designs, flowers, weeds, trees, shrubs, plants, or herbage of any kind from the cemetery as soon as they become unsightly, dangerous, detrimental or diseased.

MONUMENTS AND MARKERS:

16. A. All monuments and markers shall be of granite, metal, marble or stone.
- B. All monuments and markers must be set at the head of a grave lot and shall be in a line designated by the Administrator on a pre-set foundation.
- C. No monument or marker shall be erected except on a concrete foundation in accordance with the specification of the Administrator. The foundations shall be no less than level with the ground surrounding the grave, and at least six (6) inches wider and (6) inches longer than the base of the monument.
- D. Grave covers of any type or description and of any material shall not be permitted.

MONUMENTS IN DISREPAIR:

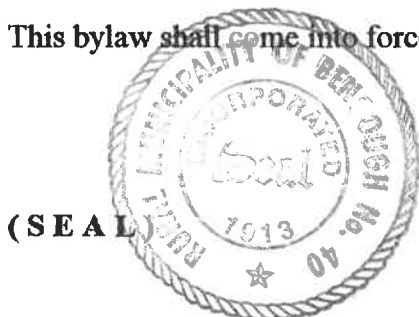
17. A. Should any tombstone, monument or other structure placed or arranged in the Cemeteries be in a state of disrepair, the Municipality may have the said tombstone, monument or other structure removed from the cemetery if the owner does not have the same repaired in accordance with the said notice.
- B. The Cemetery Board/Caretaker shall, from time to time, inspect all monuments. The Owner, Heirs, Executors or Assigns shall be notified and it shall be the duty of the Owner, Heirs, Executors or Assigns of such monument to repair same without delay, to the satisfaction of the Cemetery Board/Caretaker.
- C. Whenever any Owner, Heirs, Executors or Assigns of a tombstone, monument or other structure neglects to make the required repairs, or alterations after being given due notice by the Cemetery Board/Caretaker so to do, the Board shall allow a period of three (3) months to elapse after the giving of the said notice and shall then have power to remove such tombstone, repair it and charge the cost thereof to the Owner, Heirs, Executors or Assigns and the cost may be recovered as a debt due by the Owner, Heirs, Executors or Assigns, to the Municipality.
- D. All notice required to be given the Certificate Holder of lots or Owner, Heirs, Executors or Assigns may be delivered in writing by the Cemetery Board/Caretaker. Mailed postage paid to the last known address of such Certificate Holder or Owner, Heirs, Executors or Assigns and proof of such notice having been mailed, properly addressed with prepaid, or delivered shall be sufficient proof such notice have been given.

TREES AND SHRUBS:

18. A. No person shall plant any trees, shrubs or any other vegetation or do work of any kind in the Cemeteries without the permission of the Cemetery Board/Caretaker.
- B. If any tree or shrub is situated on any grave lot or part thereof shall, in the opinion of the Cemetery Board/Caretaker, become by means of its roots or branches in any way detrimental to any adjacent grave lot, path or driveway or to the general appearance of the Cemeteries or dangerous or inconvenient to the public, the Cemetery Board/Caretaker shall have the power to remove such tree or shrub or part thereof. The above would be done in consultation, when possible with Owner, Heirs, Executors or Assigns.
- C. The provisions of this Bylaw shall not prohibit persons from funding the purchase of any trees or shrubs providing that said trees or shrubs are planted by the Cemetery Board/Caretaker.

PENALTY:

19. A. Any person guilty of an infraction of this Bylaw or any part thereof, shall be liable on summary conviction to the penalties prescribed in the General Penalty Bylaw of the Municipality.
- B. Where there is a misunderstanding the Cemetery Board/Caretaker shall make every effort to come to mutual agreement with the Owner, Heirs, Executors or Assigns of the lot within the frame work of this bylaw.
20. Notwithstanding anything herein contained, the administration and the operation of the Cemeteries shall be carried out at all times in accordance with the "Cemetery Act" and Regulations made thereunder.
21. This bylaw shall come into force and take effect from the final passing thereof.




REEVE


ADMINISTRATOR

Read a 1st time

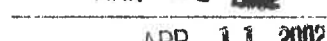
Read a 2nd time

Read a 3rd time

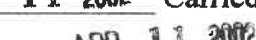
Read a 4th time and final passing


FEB 19 2002

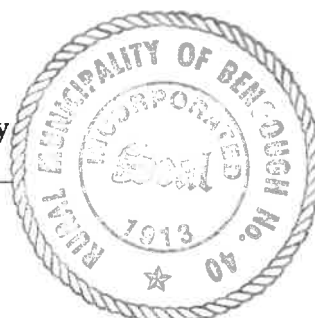

MAR 14 2002


APR 11 2002

Carried Unanimously


APR 11 2002

Certified a true copy of
Bylaw NO. 212.2002 adopted by
resolution of Council on
the 11th day of April, 2002




ADMINISTRATOR

SCHEDULE A
PUBLIC CEMETERIES

The lands set aside, operated, used or maintained as cemeteries by the Municipality:

- (A) All that portion of the South East quarter of Section 26, Township 4, Range 24, West of the Second Meridian, Saskatchewan described as follows:

Commencing at the South East Corner; thence Westerly along the Southern Boundary 330 feet; thence Northerly parallel with the Eastern Boundary 264 feet; thence Southerly along the Eastern Boundary to the point of commencement, and named as the Bengough-Zion Cemetery.

(Schedule B)
CERTIFICATE

Issued Pursuant to Bylaw No.212.2002

Rural Municipality of Bengough No. 40 in consideration of the sum of

\$ _____ paid this _____ day of _____, 2_____

by : _____

Phone Number: _____

to the Managing Administrator he/she is hereby entitled to use for the purpose of burial therein

Lot _____, Block _____ in the _____ Cemetery.

This Certificate is granted subject to the regulations and provisions of Bylaw No.

_____ governing the said Cemetery.

(Seal)

IN WITNESS WHEREOF the Rural
Municipality of Bengough No. 40 has

caused this Certificate to be signed by its proper officer in that behalf this
_____ day of

A.D.

Rural Municipality of Bengough No. 40
P.O. Box 429
Bengough, Saskatchewan
S0C 0K0
Phone: 306-268-2055
Fax: 306-268-2054

Certificate No. _____

Expiry Date: _____

Extension Expiry Date: _____

Extension Date Awarded On: _____

Administrator: _____

Signed: _____

Right to Cancel by Purchaser or Lessee:

1. You may cancel this contract at any time for any reason.
2. If you cancel this contract, the seller has 15 days to refund any money you are owed not including any interest which has accrued. To cancel, you must give notice of cancellation to the owner of the cemetery at the address shown in the Certificate or to the seller of this contract at the address shown. You should give notice of cancellation by a method that will allow you to prove that you gave notice, such as registered mail, fax, courier or by personal delivery.

Cancellation Accepted and Agreed Upon: _____ Refund: \$ _____

ADMINISTRATOR _____ APPLICANT _____
WITNESS _____ WITNESS _____