

CITY OF HUMBOLDT

BYLAW NO. 19/2015

A BYLAW OF THE CITY OF HUMBOLDT TO PROVIDE FOR THE CONTROL AND TO REGULATE THE OPERATION OF THE CEMETERIES WITHIN THE CITY LIMITS.

The Council of the City of Humboldt enacts as follows:

I. DEFINITIONS

1. This Bylaw may be cited as “The Cemetery Bylaw”.
2.
 - a) **Block**: means a subdivision of land in the cemeteries containing two or more plots.
 - b) **Cemetery**: means land within the City of Humboldt set apart for use as a place for the interment of the dead or in which human bodies have been buried, known as the Public Cemetery, the St. Augustine Cemetery, the Humboldt Ukrainian Cemetery and the St. Elizabeth’s Convent Cemetery.
 - c) **City**: means the City of Humboldt.
 - d) **Columbarium**: means a structure or building in a cemetery designated for the purpose of storing or interring cremated human remains in sealed compartments or niches.
 - e) **Community and Leisure Services Director**: means the Director of the Community and Leisure Services Department for the City of Humboldt or any person acting under his instructions.
 - f) **Grave Lot**: means a division of land in the Cemeteries for the purpose of a single burial.
 - g) **Interment**: means
 - i) the burial of human remains or cremated human remains in a cemetery;
 - ii) the entombment of human remains in a mausoleum,
 - iii) the inurnment of cremated human remains in a columbarium;
 - h) **Licensee**: means a person or persons who purchase a grave lot or lots in the cemetery.
 - i) **Monument**: means a structure in the cemeteries erected or constructed on a lot or lots as a memorial to the dead.

- j) **Niche:** means each individual compartment in a columbarium to be used for the interment of up to two (2) urns of cremated human remains.
- k) **Perpetual Care:** means the levelling of the ground of each lot, seeding and cutting the grass as required and generally keeping the cemetery in good order and repair. Notwithstanding the foregoing, it shall not include maintenance, repair or replacement of markers, tombstones, monuments or other like structures except as specifically provided by this Bylaw.
- l) **Plot:** means a subdivision of land in the cemeteries of sufficient size for two or more graves.
- m) **Vault/Dome:** means a structural enclosure designed to cover a casket and made of concrete, steel or fibreglass and used to prevent the sinking of graves.
- n) **Works and Utilities Director:** means the Director of the Works and Utilities Department for the City of Humboldt, or any person acting under his instructions.

II. **GENERAL REGULATIONS**

1. The City may grant a license to any person for the exclusive use of any lot or plot. The said license shall be subject to all provisions of this Bylaw and any amendments or regulations passed from time to time by the Council of the City.
2. The license fee and all other charges for work done or service rendered shall be in accordance with the Cemetery Fee Schedule, attached and identified as Schedule "B" and forming a part of this Bylaw.
3. Lots or plots shall not be resold or transferred by the licensee. A licensee may surrender his license to the City for any unused lot or plot. A request to surrender a license must be made in writing to City Hall and must include the original receipt of purchase. The City will refund to the original licensee the original purchase price of the license less a transfer fee of 50%.
4. No grave shall be used for any other purpose than for the burial of the human dead.
5. No person shall bury any dead body in the cemeteries until such person shall have complied with the provisions of *The Public Health Act, The Vital Statistics Act and The Cemeteries Act, 1999* of the Province of Saskatchewan and with any regulations issued thereunder and as amended from time to time.

6. All persons, while in the cemeteries, shall conduct themselves in a quiet and orderly manner.
7. Persons within the cemeteries shall use only the avenues, roadways, walkways and alleys.
8. Persons visiting the cemeteries or attending funerals are strictly prohibited from picking flowers, wild, or cultivated, breaking, or injuring any tree, shrub or plants, or from writing upon, defacing, or injuring any memorial, fence or other structure within the cemetery grounds.
9. Motor cars and vehicles in the cemeteries shall travel only on the roadways provided for that purpose and shall not travel at a greater rate of speed than fifteen (15) kilometres per hour, except those vehicles used for the performance of maintenance.
10. No animals shall be allowed within the cemeteries.
11. Owners of grave lots or plots shall be entitled to have them kept in proper order by the city upon paying the amount required pursuant to **Schedule "B"** attached hereto.
 - i) Perpetual care will apply to all grave lots or plots sold.
12. The City reserves the right to temporarily suspend or modify any regulations where literal interpretation may appear to create undue or unnecessary hardship.
13. The City reserves the right to limit the number of 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.
14. During the period from October 15 to April 15, forty-eight (48) hours' notice, two business days, exclusive of Saturdays, Sundays, Public and Statutory Holidays must be given to City Hall before an interment or disinterment takes place. No application or notice shall be received on Saturday, Sunday or on a Public or Statutory Holiday, except on production of a medical certificate that an early interment is desirable.
15. During the period from April 16 to October 14, twenty-four (24) hours' notice, one business day, exclusive of Saturdays, Sundays, Public and Statutory Holidays must be given to City Hall before an interment or disinterment takes place. No application or notice shall be received on Saturday, Sunday or on a Public or Statutory Holiday, except on production of a medical certificate that an early interment is desirable.

III. DUTIES OF THE COMMUNITY AND LEISURE SERVICES DIRECTOR

1. The Community and Leisure Services Director shall have charge of the cemeteries and control of all maintenance performed and such other works that are carried out at the cemeteries.
2. It shall be the duty of the Community and Leisure Services Director to keep in good order all walk, paths, and driveways in the cemeteries and control of all maintenance performed and such other works that are carried out at the cemeteries.
3. It shall be the duty of the Community and Leisure Services Director or any person acting under his instructions to determine the location where a monument or marker may be erected and he shall mark the centre of each grave location prior to the erection thereof.

IV. INTERMENTS

1. No interment of two or more bodies shall be made in one grave lot, except in the case of mother and child or two infants buried in one casket.
2. For all casket interments; with the exception of steel or concrete caskets, the use of a concrete, steel or fibreglass vault shall be mandatory.
3. No interment of more than four cremated bodies shall be made in one grave lot or no more than four cremated bodies with one human being in one grave lot with the human body being the first burial in the grave plot. In all cases, the interments of cremated bodies shall be made in the centre of the grave lot with the first cremation to be placed 0.61 meter (2 feet) from the space required for a marker or monument. The remaining cremations shall be spaced 0.61 meters (2 feet) apart as per the attached **Schedule "A"**.
4. No grave shall be less than 1.83 meters (6 feet) in depth from the surface of the ground.
5. No person other than a qualified funeral director shall have charge of the interment of any human body.
6. Whenever a block, plot or grave lot is held jointly by two or more parties, authority for interment in such block, plot or grave lot or any part thereof, will be accepted by the City of Humboldt from any one of the said parties or their executors or agents.
7. No interments shall be permitted in the cemeteries unless a proper burial permit is produced by the individual applying for the burial.

VI. DISINTERMENTS

1. The disinterment of human remains, other than of cremated remains, shall be permitted by order of the Chief Coroner or upon issuance of a disinterment permit from the Minister of Health or his/her designate issued pursuant to an application under *The Public Health Act, 1994* and payment of the required fees as set out in Schedule "B".
2. A person making an application shall ensure that a funeral home representative is present during the disinterment for the handling and transportation of the human remains. All handling of liners, casket or remains are the responsibility of the funeral home representative.
3. The disinterment of cremated human remains shall be permitted only upon written request from the Licensee of the lot in question or his heirs, executors or assigns.
4. Whenever the remains are disinterred, the grave space or spaces so vacated shall be reverted to the City.

VII. CARE OF GRAVES

1. The City of Humboldt shall assume the general care of the entire cemeteries. The Licensee of a grave lot shall observe all rules and regulations passed from time to time by City Council for keeping the grave lots in order.
2. No borders, fences, railings, trellises, copings, hedges, grave covers, concrete or stone corners or iron posts shall be constructed or planted in or around any grave lot or plots.

VIII. MONUMENTS AND MARKERS

1. All monument providers must complete an agreement with the City of Humboldt prior to selling or installing headstones or markers in City of Humboldt Cemeteries.
2. All monuments and markers shall be constructed of granite, marble, bronze or U.V. stabilized polyethylene. Other materials requested for monuments are subject to prior approval of the Community and Leisure Services Director.
3. No more than one upright monument unit may be placed on one grave lot.

4. City of Humboldt Cemeteries have restricted areas whereby no monument can be larger than 18” in height. These areas will be designated by the Director of Community and Leisure Services.
5. All upright monuments must be set at the head of a grave lot and shall be in a line designated by the Community & Leisure Services Director.
6. No granite or marble monument or marker shall be erected except on a concrete foundation of a thickness of ten (10) to fifteen (15) centimetres (4 -6 inches). The foundation shall be reinforced with steel bars or steel mesh and shall be level with the ground surrounding the grave lot. The said foundation shall be of a dimension at least fifteen (15) centimetres (6 inches) wider and fifteen (15) centimetres (6 inches) longer than the base of the monument.
7. Monuments and markers made of U.V. stabilized polyethylene shall include an U. V. stabilized polyethylene base of a dimension at least fifteen (15) centimetres (6 inches) wider and fifteen (15) centimetres (6 inches) longer than the monument or marker and placed level with the ground surrounding the grave lot.
8. In the sections of the cemeteries where the City has provided a concrete border; granite, marble or U.V. stabilized polyethylene monuments or markers may be erected without a foundation.
9. No monument or marker shall be erected in the cemeteries until the design and description thereof has been approved by the Community and Leisure Services Director and a written permit issued for the erection of such monument or marker in **Form “1”**, as attached hereto and forming a part of this Bylaw.
10. Grave covers of any type or description and of any material shall not be permitted.
11. Any monument company, its employees, contracted employees thereof and/or authorized individuals carrying out any monument work in the cemeteries will advise the Community and Leisure Services Department and shall be responsible for the restoration or repair of any damages to the Cemetery grounds or fixtures resulting from their actions. The City of Humboldt will not be held responsible for any monument damages or repairs required due to improper installation of the above noted monument.

IX. CREMATION PLAQUES

1. All cremation plaques shall be of brass, granite, marble or U.V. stabilized polyethylene.

2. No cremation plaque shall be larger than 40.64 centimetres (16 inches) X 50.8 centimetres (20 inches).
3. No plaque shall be erected except on a concrete foundation of a thickness of ten (10) to fifteen (15) centimetres (4-6 inches). The foundation shall be reinforced with steel bars or steel mesh and shall be level with the ground surrounding the grave lot. The said foundation shall be of a dimension of at least five (5) centimetres (2 inches) wider and five (5) centimetres (2 inches) longer than the base of the plaque.
4. In the sections of the cemeteries where the City has provided a concrete border; brass, granite, marble or U.V. stabilized polyethylene plaques may be erected without a foundation.
5. Bronze plaques for the columbarium and memorial areas are arranged and ordered strictly by the Director of Community and Leisure Services or any person acting under his instructions.

X. MONUMENTS IN DISREPAIR

1. Should any tombstone, monument, plaque or other structure placed or arranged in the cemeteries be in a state of disrepair, the City may have the said tombstone, monument, plaque or other structure removed from the cemeteries.
2. Whenever any owner of a tombstone, monument or plaque or other structure neglects to make required repairs or alterations after being given due notice by the Community and Leisure Services Director to do so, the Director 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, monument, plaque or other structure from the cemeteries or to repair it.
3. All notices required to be given to Licensees of grave lots or owners of monuments or other parties by this Bylaw may be delivered in writing by the Community and Leisure Services Director or in writing, mailed postage paid to the last known address of such Licensee or Owner or other part. Proof of such notice having been mailed, properly addressed with prepaid, or delivered shall be sufficient proof that such notice has been given.

XI. TREES, SHRUBS, FLOWERS AND OTHER ITEMS

1. No person shall plant any trees, shrubs or any vegetation or do work of any kind in the cemeteries without the permission of the Community and Leisure Services Director.

2. If any tree or shrub situated on any grave lot or plot or part thereof shall, in the opinion of the Community and Leisure Services Director, become by means of its roots or branches in any way detrimental to any adjacent grave lot, plot, path or driveway or to the general appearance of the cemeteries or dangerous or inconvenient to the public, the Community and Leisure Services Director shall have the power to remove such tree or shrub or part thereof.
3. The Community and Leisure Services Director shall have authority to remove all floral designs, flowers, weeds, trees, shrubs, plants or herbage of any kind from the cemeteries as soon as they become unsightly, dangerous, detrimental or diseased.
4. All items placed in the cemetery by the public shall be at their own risk. The City will not accept responsibility for damaged or missing items.
5. The placing of flowers and wreaths shall be allowed only in receptacles which are affixed to the monument excepting that flowers, wreaths and other items are permitted to be placed on the grave the day of the burial and left for a period of seven calendar days after which the flowers, wreaths and other items will be removed and disposed of.
6. Any other items placed on a grave, flowerbed; or concrete foundation are considered temporary and will be removed and disposed of weekly.

XII. CHILDREN'S SECTIONS

Sections of the cemeteries may be subdivided into smaller graves for interment of children up to six (6) years of age.

XIII. ROYAL CANADIAN LEGION

The Humboldt Branch of the Royal Canadian Legion shall be permitted to manage, supervise, and maintain the Legion Cemetery located within the Public Cemetery.

In the event the Legion Cemetery is not maintained to the standards of the Public Cemetery, The City shall have the authority to instruct the Legion to carry out such works as they deem necessary. Should the Legion neglect to carry out the required works, the City shall have the authority to do so and levy a charge for the works carried out.

XIV. INTERMENT OF INDIGENT PERSONS

The City shall provide interment rights free of charge for an unclaimed body or for a deceased indigent person where the City is instructed to provide interment rights free of charge pursuant to the provisions of *The Cemeteries Act, 1999* and any regulations thereto addressing the interment of indigent persons.

XV. MAPS, PLANS AND RECORDS

All grave lots and plots shall be described according to a Plan of Record in the City Hall. Suitable books of record shall be kept in the City Hall 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.

The City shall have maps prepared of cemeteries indicating thereon the owners of each grave lot in the cemeteries, such maps to show the grave lots that are occupied and the grave lots that are reserved.

XVI. INDEMNITY

The City or any official thereof shall not be held responsible for any mistakes resulting from lack of precise or proper instructions regarding the grave space where an interment is to be or has been made. Any additional costs incurred by the City to correct such errors will be charged out based on actual costs incurred by the City.

The City shall indemnify and save harmless each of its employees and servants, from all liability, claims and causes of action including all costs in relation thereto, arising from all acts or omissions of each such person in the performance of his or her duties or services hereunder, provided the same have been carried out in good faith.

XVII. PENALTY

Any person guilty of an infraction of this Bylaw or any part thereof, shall be liable on summary conviction to the penalties prescribed by the General Penalty Bylaw of the City of Humboldt.

XVIII. REPEAL

Bylaw No. 26/2012 is hereby repealed.

This Bylaw shall come into full force and take effect January 1, 2016.

Mayor – Malcolm Eaton

City Clerk – Sandra Pauli

INTRODUCED AND READ A FIRST TIME THIS 14th DAY OF DECEMBER, 2015.

READ A SECOND TIME THIS 14th DAY OF DECEMBER, 2015.

READ A THIRD AND FINAL TIME THIS 14th DAY OF DECEMBER, 2015.

Form "1"

Pursuant to Section VIII of Bylaw No. 19/2015, City of Humboldt

MONUMENT MARKER AND PLAQUE APPLICATION FORM

I, We _____, hereby apply for permission to construct a:

- Marker**
- Monument**
- Cremation Plaque**
- Other** _____

within the:

- St. Augustine Cemetery**
- Public Cemetery**
- St. Elizabeth Convent Cemetery**

I/We hereby agree to the following conditions and have enclosed a detailed design and description of our proposed construction request.

I/We hereby agree to complete our request within three (3) months of approval of our application.

Conditions

1. All monuments and markers shall be of granite, marble, or U. V. stabilized polyethylene. All cremation plaques shall be of brass, granite, marble or U. V. polyethylene.
2. All monuments and markers must be set at the head of the grave lot and shall be in a line designated by the Community and Leisure Services Director.
3. No granite or marble monument or marker shall be erected except on a concrete foundation of a minimum thickness of 10-15 centimetres (4-6 inches). The foundation shall be reinforced with steel bars or steel mesh and shall be level with the ground surrounding the grave lot. The said foundation shall be of a dimension at least 15 centimetres (6 inches) wider and 15 centimetres (6 inches) longer than the base of the monument.
4. Monuments and markers made of U.V. stabilized polyethylene shall include an U. V. stabilized polyethylene base of a dimension at least 15 centimetres (6 inches) wider and 15 centimetres (6 inches) longer than the monument or marker and placed level with the ground surrounding the grave lot.
5. No plaque shall be erected except on a concrete foundation of a thickness of 10-15 centimetres (4-6 inches). The foundation shall be reinforced with steel bars on steel mesh and shall be level with the ground surrounding the grave lot. The said foundation shall be of a dimension at least 5 centimetres (2 inches) wider and 5 centimetres (2 inches) longer than the base of the plaque.
6. In the sections of the cemeteries where the City has provided a concrete border, plaques, monuments and markers may be erected without a concrete foundation.
7. Grave covers of any type or description and of any material shall not be permitted.
8. No monument, marker or plaque shall be erected within the cemeteries until the design and description thereof has been approved by the Leisure Services Director and written permission issued for the erection of such monument, marker or plaque.

Date of Application

Applicant's Signature

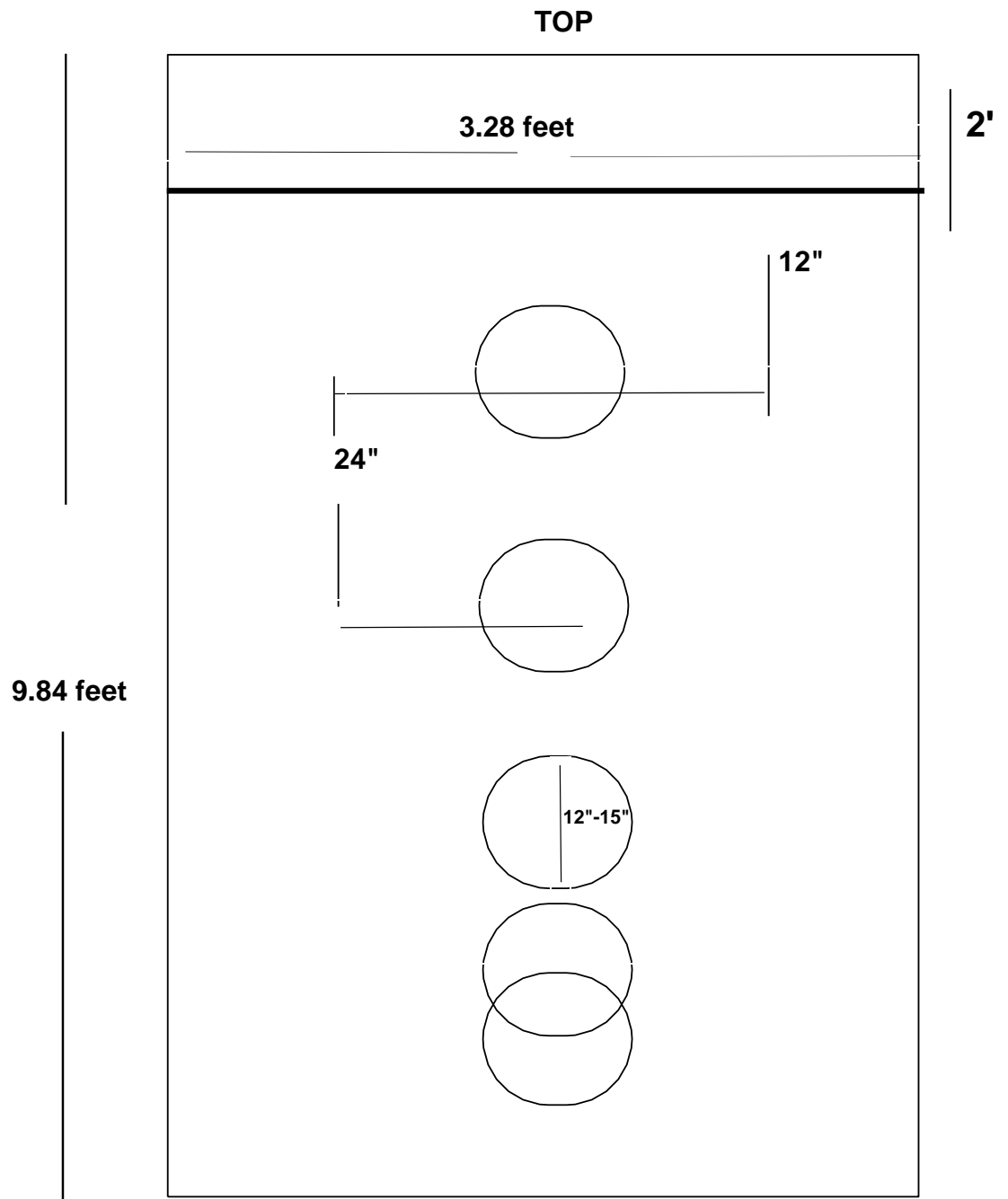
For Department Use Only:

Date of Approval

Approved By Community and Leisure Services Director

Construction Completion Date: _____

SCHEDULE "A"



**Cemetery Plot Size: 3.28 feet X 9.84 feet
Or
1.0 m X 3.0 m**

CITY OF HUMBOLDT

BYLAW NO. 19/2015

SCHEDULE "B"

CEMETERY FEE SCHEDULE

<u>Lot Purchase</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>
Cemetery Lot w/o Foundation	\$ 700.00	\$ 750.00	\$ 800.00
Cemetery Lot with Foundation	750.00	800.00	850.00
Cemetery Lot with Foundation & 18" headstone height restriction Area	650.00	700.00	750.00
Infant Plots for Stillborns	180.00	185.00	190.00

Grave Opening & Closing

Weekdays & Regular Lot/Vault	\$ 600.00	\$ 620.00	\$ 640.00
Weekends & Statutory Holidays	710.00	730.00	750.00
Cremation Lot – Weekdays	325.00	345.00	365.00
Cremation Lot-Weekends & Stat Holidays	375.00	395.00	410.00

<u>Columbarium Fess:</u>	\$1,400.00	\$1,470.00	\$1,550.00
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Note: All columbarium niches may have up to two (2) urns interred. First interment and a bronze plaque are included with the price of niche. A second interment is subject to a \$100.00 opening and closing fee. Bronze plaques are arranged and ordered strictly by the City of Humboldt.

<u>Memorial Plaque:</u>	\$500.00	\$550.00	\$600.00
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Note: There are designated areas for placing memorial plaques. Memorial plaques are arranged and ordered strictly by the City of Humboldt.

Disinterment:

Removal of Remains	\$1,000.00	\$1,000.00	\$1,000.00
Removal of Cremated Remains	\$ 500.00	\$ 500.00	\$ 500.00

** GST to be added to the above rates.