

# TOWN OF SHELLBROOK

Bylaw No. 2017-05

## **A bylaw of the Town of Shellbrook to provide for the regulations and control of the Public Cemetery known as the "Shellbrook Cemetery"**

The Mayor and Council of the Town of Shellbrook, in the Province of Saskatchewan, enacts as follows:

1. This Bylaw may be cited as "The Cemetery Bylaw".
2. **DEFINITIONS:**
  - a. **ADMINISTRATOR/CAO:** the Chief Administrative Officer for the Town of Shellbrook or his/her designate(s).
  - b. **CEMETERY:** land "within or outside the Town of Shellbrook" set apart for or used as a place of interment of the dead or in which human bodies may be buried.  
It shall be described as follows: a portion of the West half of Section Eighteen (8), Township Forty-nine (49), Range Three (3), West of the Third (3<sup>rd</sup>) Meridian.  
"OLD CEMETERY" shall refer to plot numbers 1 – 944; "NEW CEMETERY" shall refer to plot numbers 1001 – 1372; 'Cremains Columbarium" shall be numbers NC 1-20, CW 1-24 and CE 25-48. "Veterans Section" as per Schedule "C".
  - c. **CARETAKER:** means the Public Works Director placed in charge of the day to day operations of the Cemetery.
  - d. **CEMETERY COMMITTEE:** shall consist of the Cemetery Committee duly appointed by Council.
  - e. **COUNCIL:** means the Council of the Town of Shellbrook.
  - f. **LICENSEE:** A person or persons who obtain a permit/license to use a grave or graves in the Shellbrook Cemetery.
  - g. **FLAT MARKER:** shall mean a memorial of granite, hard marble or bronze, flush with the ground.
  - h. **INDIGENT PERSON:** shall mean a current resident of the Town of Shellbrook receiving Social Assistance Benefits.
  - i. **MONUMENT:** shall include a tombstone or memorial of granite, hard marble, or other adamant material which shall extend above the surface of the ground.
  - j. **PERPETUAL CARE:** means the levelling of the ground of each plot, seeding, watering 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 or monuments of other like structures except as specifically provided by this Bylaw.
  - k. **PLOT/GRAVE:** means a subdivision of the land for the purpose of a single burial in the Cemetery as shown in the Shellbrook Cemetery Plan.
  - l. **DOUBLE PLOT/DOUBLE GRAVE:** an area large enough for two or more graves.

- m. PUBLIC WORKS FOREMAN: The Foreman of the Public Works Department of the Town of Shellbrook, or any person acting under his/her instructions, or any other person designated by the Town Council.
- n. SECTION: An area of more than one double plot.
- o. VETERAN:
  - A Person who has given wartime service to Canada, NATO or The United Nations, or one of Canada's allies.
  - A person who has served in the merchant navy.
  - A person who has given peacekeeping services under programs which were coordinated by Canada, The United Nations or NATO.
  - Any person who has been a member of Canada's regular armed forces.
  - All Canadian Reserve personnel who have served not less than six months service in active wartime or peace keeping duties.
  - Proof of service must be provided.

### **3. GENERAL RULES**

- a. All the powers granted to the Caretaker shall be subject to the regulations and control of the Council of the Town of Shellbrook.
- b. It shall be the duty of the Caretaker to keep the grounds within the confines of the designated cemetery area in good order.
- c. All workmen employed in any work in the Cemetery shall comply with all orders of the Director and, during a burial service, all work in the immediate vicinity of the Shellbrook Cemetery shall be discontinued.
- d. All funerals in the Cemetery shall comply 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.
- e. All funeral processions entering the Cemetery shall be under the supervision of the Funeral Director.
- f. The Council for the Town of Shellbrook, through the CAO, reserves the right to temporarily suspend or modify any regulations where literal interpretation may appear to create undue or unnecessary hardship.
- g. All persons, while in the cemetery, shall conduct themselves in a quiet and respectful manner.
- h. Persons within the Cemetery shall use only the roads and walkways and no one is permitted to walk upon or across graves. The Town of Shellbrook expressly disclaims liability for any injuries sustained by anyone violating this rule.
- i. Vehicles in the Cemetery shall travel only on the roadways provided for that purpose and shall not travel at a greater rate of speed than 10 miles per hour.
- j. The Town or any official thereof shall not be responsible for any mistakes resulting from 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.

#### **4. CEMETERY PLOTS**

- a. A plan of the Cemetery showing all grave locations thereon shall be open for inspection, free of charge, during normal business hours at the Town Office in Shellbrook.
- b. All arrangements for the sale of plots and/or services in the Cemetery shall be made through the Shellbrook Town Office during regular business hours. As per Schedule A, a license shall be purchased to use a plot in the Cemetery and the Office shall receive all monies resulting from the sale of said plot.
- c. No plots in the Old Cemetery are available for sale.
- d. The Office shall keep a correct account of all monies received therefrom, with the name and description of the licensee thereof and of every transfer and all other information necessary to keep a complete record of all business transacted in connection with the Cemetery.
- e. The fee for the purchase of plots and perpetual care are set out in Schedule "B" attached to this Bylaw. The said Schedule "B" may be amended from time to time in a resolution of Council. The Perpetual Care fee will be placed into a Reserve Account and used for future maintenance.
- f. No plot/grave shall be used for any purpose than for the burial of the human dead.
- g. The Cemetery Committee shall take all reasonable precautions to protect licensees and the property rights of licensees within the Cemetery for loss or damage; but the committee distinctly disclaims all responsibility for a loss or damage from causes from beyond its' reasonable control, and especially from damage caused by the elements, an act of God, common enemies, thieves, vandals, accidents, military or civil authority.
- h. The Cemetery Committee shall designate a specific area of the Cemetery for the burial of Veterans and their spouses/partners. Such plots shall be set out in the Schedule "C" to this Bylaw. Only 2 cremains shall be allowed per plot, being the Veteran plus spouse/partner.

#### **5. DUTIES OF PUBLIC WORKS FOREMAN**

- a. It shall be the duty of the Public Works Foreman to determine the location of grave plots, and shall stake a grave plot(s) out before the digging of a grave is undertaken.
- b. It shall be the duty of the Public Works Foreman to maintain the roads leading to and within the Cemetery in acceptable conditions.
- c. It shall be the duty of the Public Works Foreman to supervise the digging and filling of the graves to assure other grave sites are not disturbed.

#### **6. INTERMENTS AND DISINTERMENTS**

- a. No interment shall be made in the cemetery until the provision of *The Public Health Act* and *The Vital Statistics Act* of the Province of Saskatchewan have been complied with, and with any regulations issued thereunder and until it also shall have complied with the provisions of this Bylaw.
- b. Payment of any and all indebtedness due to the Cemetery must be made prior to any interment.
- c. No interment of two or more bodies shall be made in one grave except in the case of a mother and a child or two infants buried in one casket.

- d. No grave shall be less than six (6) feet in depth from the surface of the surrounding ground except in the case of cremains which shall be buried a minimum of three (3) feet in depth.
- e. If a plot or grave is held jointly by two or more parties, authority for interment will be accepted by the Town of Shellbrook from any one of the said parties or their executors or agents.
- f. No interments shall be permitted in the Cemetery unless a proper burial permit is produced by the parties or their executors or agents.
- g. Graves shall be opened and interments made only by persons approved in writing by the Town of Shellbrook and under the direction of the Cemetery Committee and no person(s), without said approval of the Town of Shellbrook, shall open any grave for the purpose of interring or removing a body.
- h. No person shall disinter or remove a body from any grave without first producing a written order from the Licensee of such grave, and a permit for such disinterment or removal from the Provincial Medical Health Officer. Additional notarized consents will also be required indicating agreement of other family members affected. If a body is permanently removed, the ownership of said plot shall revert back to the Town of Shellbrook.
- i. All caskets shall be placed in burial vaults constructed of fiberglass, plastic, or other similar rigid, non-biodegradable material, unless the casket is constructed of galvanized metal, fiberglass, metal or other non-biodegradable material, in which case no burial vault will be required.
- j. All graves shall be backfilled in such a manner as to achieve a rate of compaction in the entire backfill at least equal to that of the surrounding natural ground.

## **7. CREMAINS**

- a. Graves in the Cemetery may be used for the interment of cremated remains.
- b. All interments must be registered in the Shellbrook Town Office.
- c. Not more than four (4) cremains shall be interred in a single plot, and only two (2) cremains where a casket is already interred. When a license is obtained from the Town Office, the Licensee shall complete Schedule "A", and state the names of persons allowed to be interred in the same plot.
- d. Cremains must be enclosed in a container sealed securely, dry and of sufficient strength to ensure said container shall remain intact.
- e. Cremains will be placed down the center of the plot starting at the head of the grave site.

## **8. INTERMENT OF INDIGENT PERSONS**

- a. The Town of Shellbrook shall provide a plot in the Cemetery, as well as perpetual care, if either an indigent person and/or their spouse was a current resident of the Town of Shellbrook at the time of death. Proof of said residency shall be required.
- b. The interment of indigent persons and their spouse shall occur in the same single plot, the location of which shall be within the sole discretion of the Cemetery Committee.

- c. No one shall be permitted to install a memorial on a plot utilized for the interment of an indigent person until a Perpetual Care fee has been paid.
- d. No other interment shall be permitted in a plot provided pursuant to this section until the plot price has been paid.

## **9. TRANSFERS AND BUYBACKS**

- a. Cemetery plots shall not be resold or transferred by the Licensee.
- b. The Town of Shellbrook may buy back a burial plot on the basis of seventy-five percent (75%) of the original fees paid for the plot and perpetual care.
- c. All requests for buybacks must be submitted to the Town Office. Requests made by someone other than the original purchaser must be accompanied by a Declaration of Kinship witnessed by a Commissioner for Oaths or Notary Public.

## **10. CARE OF GRAVES**

- a. To obtain the best landscape effects, it is essential that the Cemetery Committee shall assume the general care of the entire Cemetery. The Licensee of graves shall observe all rules and regulations passed from time to time by Council for keeping the graves in order.
- b. Persons within the Cemetery are strictly prohibited from picking flowers, wild or cultivated, breaking or injuring any tree, shrub or plant, or from writing upon, defacing or injuring any memorial, fence, bench or other structure within the Cemetery grounds.
- c. Fences, borders, railing, curbs, coping, trellises, walls, hedges, or grave covering, shall not be permitted in the Cemetery, however, those existing at the time of the passage of this bylaw shall be permitted to remain until such time as they require maintenance.
- d. Grave covers may, with written permission of Council, be permitted on graves where it is required to match a spouse's existing grave cover on an adjacent grave. In situations of this nature, the graves must abut one another.

## **11. MEMORIALIZATION**

- a. No monuments, markers, columbariums and memorials (including benches) for the purpose of designating graves shall be installed in the Cemetery until the following conditions have been met:
  - Application has been made to the Cemetery Committee;
  - A Cemetery License has been obtained at the Town Office;
  - All required fees have been paid in full;
  - The Caretaker has marked the center of each grave location where the monument is to be installed. A minimum of ten (10) days notice is required for staking plots.
- b. All contractors installing monuments in the Town Cemetery must possess a valid Business License with the Town of Shellbrook.
- c. All maintenance and installation of monuments in the Cemetery shall take place during normal business hours.

- d. All persons employed in the installation of monuments, or in doing any other work on a grave or graves in the Cemetery, shall be subject to all conditions stated in the Cemetery Bylaw. Any such person refusing to abide by the regulations shall be removed from the Cemetery.
- e. Any monument company, its employees, contracted employees thereof and/or authorized individuals carrying out any monument work in the Cemetery, shall be responsible for the restoration or repair of any damages to the Cemetery grounds or fixtures resulting from their actions. The Town of Shellbrook will not be held responsible for any monument damages or repairs required due to improper installation.
- f. All monuments and markers shall be manufactured of granite, hard marble, bronze or other adamant material.
- g. All monuments and markers must be set in a line designated by the Cemetery Committee.
- h. All monuments and markers shall be set or erected on the head of the grave. In no case will they be permitted at the foot of the grave.
- i. Only Pillow Monuments, as set out in the attached Schedule "E", shall be permitted in the Old Cemetery.
- j. In the Old Cemetery, where it is required to match a family member's existing monument on an adjacent grave, monuments which do not conform to the requirements set out in Schedule "E" may be permitted, providing the proposal has received the written permission of Town Council. In situations of this nature, the graves must abut one another.
- k. Only ground level markers shall be permitted in the New Cemetery, as set out in the attached Schedule "E".
- l. To preserve the proper appearance of the Cemetery, the Caretaker may remove any memorial or memorialization when it is considered offensive or otherwise necessary for the efficient operation of the Cemetery.
- m. No grave or plot shall be decorated with any trees, shrubs or plants. This shall not prohibit the placing of cut flowers upon graves.

## **12. OFFENCES AND PENALTIES**

- a. No person shall injure any shrub or tree or destroy any flower, wild or cultivated, growing in the Cemetery.
- b. No person shall write upon, mark, scratch or deface any monument, structure or fence in or around the Cemetery.
- c. Any person who damages any grave, marker, monument, fence, building or other structure in the Cemetery shall be liable to the Town for such damages prescribed in the General Penalty Bylaw, and shall also be guilty of an infraction of this Bylaw.
- d. No person shall remove, or destroy, or attempt to remove or destroy any remains resting in any grave.
- e. No person shall dig or open any grave or cause any graves to be opened in any place within the Cemetery; nor shall any person inter or deposit or cause to be interred or deposited any human remains in any grave within the Cemetery other than as prescribed in this bylaw.

- f. No person shall engage or play at any game of sort or discharge any firearms (except as a Military Service) in the Cemetery, or unlawfully disturb persons assemble for the burial of the dead, or commit a nuisance, or behave in any indecent or unseemly manner at the Cemetery.
- g. No ATVs or snowmobiles shall be allowed within the limits of the Cemetery.
- h. 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.

**13. REPEALING BYLAW**

Bylaw No. 2015-08 and any amendments thereto are hereby repealed.

**14. EFFECTIVE DATE OF BYLAW**

This Bylaw shall come into force take effect on the day of final passing hereof.



TOWN OF SHELLBROOK

Mayor

Chief Administrative Officer

Read a third time and adopted  
This 28 Day of Aug, 2017.

Kelly Hoare, CAO

**Schedule "A"**

**Bylaw No. 2017-05**

Town of Shellbrook  
**Cemetery License**

Name of Applicant(s)/Executor: \_\_\_\_\_ DOB: \_\_\_\_\_

Address: \_\_\_\_\_ Phone: \_\_\_\_\_

City: \_\_\_\_\_ Province: \_\_\_\_\_ Postal Code: \_\_\_\_\_

I/we (as named above) agree to purchase Plot(s) \_\_\_\_\_ in the Shellbrook Cemetery, at the agreed upon price as per Schedule "B":

Single Plot	\$200.00 plus GST
Perpetual Care Fee	\$400.00 plus GST
Niche in the Columbarium	\$450.00 plus GST (perpetual care fee of \$250 included)
Permit to install Marker	\$ 50.00 plus GST
Opening and/or closing of grave (as per Schedule "B")	

This license is granted subject to the provisions of Bylaw 2017-05 governing the Shellbrook Cemetery.

1. The purchaser acknowledges that no burial may occur in the above described burial plot(s) until payment in full is made to the Town of Shellbrook. Seller agrees that the above-described burial plot(s) will not be sold to any other person during the pending of this License.
2. The purchaser agrees to abide by all rules and regulation of the Shellbrook Cemetery.
3. The purchaser shall hereby state the names of persons whose remains shall be allowed to be interred in this plot. (One (1) full casket remains per plot, plus two (2) cremains; or four (4) cremains per plot).

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
(Applicant/Executor)

\_\_\_\_\_  
(Town of Shellbrook)



## Schedule "B"

### Bylaw No. 2017-05

A schedule to establish the fees to be charged in regards to the Shellbrook Cemetery

1. Fees for digging graves:

These fees include both opening and closing a grave and GST is applicable on all fees.

Summer being May 1<sup>st</sup> to November 15<sup>th</sup> of each year.

Winter being November 16<sup>th</sup> to April 30<sup>th</sup> of each year.

Single grave for traditional casket type burial

SUMMER \$600.00 plus GST

WINTER \$700.00 plus GST

Additional \$200.00 plus GST on weekends and holidays.

Single grave for burial of cremains

SUMMER \$150.00 plus GST

WINTER \$250.00 plus GST

Additional \$100.00 plus GST on weekends and holidays.

- An overtime rate will be charged @ \$75/person/hour after 3:30pm.

2. Fees for the purchase of a license to use a plot:

Single plot - \$200.00 plus GST

3 (a) Fees for the purchase of a license to use a niche in the Columbarium:

Per Niche - \$450.00 plus GST

3 (b) Opening and closing of columbarium \$50.00 plus GST

4. Permit to install a marker or monument pursuant to section 10. M. of this Bylaw

Permit \$ 50.00 plus GST

5. Perpetual Care fee – to be placed in a reserve for future maintenance of the cemetery

Per single grave site - \$400.00 plus GST

## Schedule "C"

### Bylaw No. 2017-05

A schedule to establish a Veterans Section in the Shellbrook Cemetery

The Veterans Section shall include the following plots:

"Old Cemetery"

486-1	552-11	577-21
486-2	552-12	577-22
486-3	552-13	577-23
486-4	552-14	577-24
486-5	552-15	577-25
487-6	553-16	578-26
487-7	553-17	578-27
487-8	553-18	578-28
487-9	553-19	578-29
487-10	553-20	578-30

"New Cemetery"

1228 - 1248

**Schedule "D"**

**Bylaw No. 2017-05**

**Permit to construct a grave marker, monument or granite bench in the  
Shellbrook Cemetery**

Contractor: \_\_\_\_\_

Contractor Phone: 1-(306)-\_\_\_\_ - \_\_\_\_\_

Contractor Address: \_\_\_\_\_

Contact Name: \_\_\_\_\_

(Person Hiring Contractor)

Contact's Phone: 1-(306)-\_\_\_\_ - \_\_\_\_\_

Contact's Address: \_\_\_\_\_

Name of Interred: \_\_\_\_\_

Date of Interment: \_\_\_\_\_

Date to set marker: \_\_\_\_\_

Type of material: \_\_\_\_\_

(eg. granite, marble)

**\*\*Monuments must be placed in line with the markers at the top of the site\*\***

Dimensions of Marker and/or Monument (see illustration)

A \_\_\_\_\_

D \_\_\_\_\_

B \_\_\_\_\_

E \_\_\_\_\_

C \_\_\_\_\_

F \_\_\_\_\_

**Permit Total:** \_\_\_\_\_

**Schedule "E"**

**Bylaw No. 2017-05**

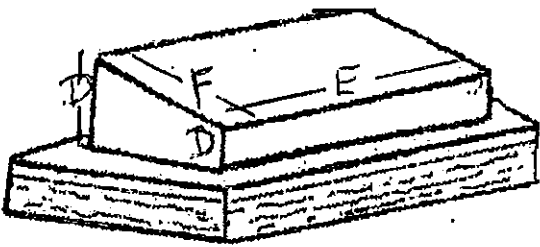
**Only ground level markers shall be permitted in the New Cemetery.**

Maximum Sizes allowed for single plot:

Marker:     A – 36"  
                  B – 16"  
                  C – 4"



**Only pillow markers shall be permitted in the Old Cemetery.**



Base  
A – 36"  
B – 17"  
C – 6"

Single Grave  
Pillow

D – 8" to 5"  
E – 24"  
F – 12"

Two Grave  
Pillow

D – 8" to 5"  
E – 30"  
F – 12"

Three Grave  
Pillow

D – 8" to 5"  
E – 36"  
F – 12"