

Village of Leask
Bylaw No 1/2013
Cemetery Bylaw

A Bylaw of the Village of Leask to Provide Regulations For The Use, Care and Maintenance of Leask Cemetery.

The Council of the Village of Leask in the Province of Saskatchewan enacts as follows:

1. SCOPE

1. This Bylaw shall be cited as the “CEMETERY BYLAW”.
2. This Bylaw shall apply only to the burial of dead human remains in Leask Cemetery, the locations and plan of which is attached hereto as “APPENDIX A” of this Bylaw and the regulations pertaining to the operation of the Cemetery and the enforcement of regulations as set out in this Bylaw and attached appendices.

2. DEFINITIONS

1. For the purpose of this Bylaw, the following definitions shall apply:
 - a) ADMINISTRATOR – shall mean the Village Administrator appointed by the Village Council and for the purposes of this Bylaw shall include any person appointed by the Administrator from time to time, to act on his/her behalf in the administration of this Bylaw.
 - b) CEMETERY – means Leask Cemetery as defined in Appendix A of this Bylaw.
 - c) COUNCIL – means the Council of the Village of Leask.
 - d) CREMAINS – means the remains of a body that has been cremated.
 - e) GRAVE – means a grave approximately 2 metres in depth.
 - f) GRAVE COVER – means a cover of fiber glass, plastic, marble, granite or concrete placed over the interred remains.
 - g) GRAVE MARKER – means a flat or upright marker bearing the name of the interred deceased person for memorial purposes.
 - h) GRAVE STONE – means an upright marble, granite, stone or concrete monument erected on any lot or plot for memorial purposes.
 - i) LOT – means a subdivision of land for the purpose of a single burial of non-cremated human remains or the burial of not more than two cremated human remains with or without non- cremated human remains.
 - j) VILLAGE – means the Village of Leask, Saskatchewan.

3. BURIAL SECTION

Sections of the Cemetery shall be set out for burials as follows:

1. Parcel J, Plan 101534914 shall be cited as the OLD SECTION.
2. Parcel J, Plan 82PA04147 shall be cited as the NEW SECTION.

4. GRAVES, BURIALS AND RESERVATIONS

1. A person may reserve a lot or lots by paying in full at the Village Office, the purchase price of \$400.00 per lot. The lot or lots shall be reserved for the use of the party who has paid the purchase price, a member of the party's family, or for a burial upon his/her instructions of an heir for a period of twenty (20) years after date of purchase. At the expiration of twenty (20) years, the Village shall contact the party or his/her heirs to determine if they desire to renew the reservation for unused lot or lots. If, after using every possible means to contact the party or his/her heirs, the Village fails to establish contact, the Village may, by publishing notice in two issues of a local newspaper, cancel the reservation and make it available to the public.
2. A Lot may be used for the burial of one body, so that the top of the outer burial container is at least one meter below the surface of the grave.
3. Cremains may be interred in any individual lot of the cemetery so that the top of the outer burial container is at least one meter below the surface of the grave. No more than one body and two cremains shall be allowed per lot.
4. A purchaser of a lot or lots desiring to transfer ownership rights to another party must make written application for approval to the Village before transfer will be validated.
5. A purchaser wishing to transfer ownership rights back to the Village of Leask may do so by making written application to the Village of Leask. In exchange for the ownership rights, the original purchaser shall receive a payment not to exceed the original purchase price.

5. TRAFFIC

1. Vehicles being operated within the confines of the Cemetery shall not travel at a speed greater than twenty (20) kilometers per hour.
2. No person, except those employed in the performance of their duties shall drive a vehicle on any part of the Cemetery other than on a roadway provided for that purpose.

6. GRAVE MARKERS AND GRAVE COVERS

1. Grave covers will not be permitted in any section of the cemetery from date of this Bylaw excepting those already in place or where a family has a lot or lots covered. The unused lot may be covered after it has been used.
2. In the OLD SECTION, flat and upright grave markers of granite, marble, ionite or any durable, non-corrosive material may be installed.
3. In the NEW SECTION, only flat grave markers of granite, marble, ionite or any durable, non-corrosive material may be installed.
4. Grave markers shall be placed at the head of the grave on an approved base in a straight, continuous row. Flat grave markers shall be installed on an approved base such that the highest point of the marker shall be no higher than the surface of the ground. The Village reserves the right to adjust any grave marker that is installed improperly and forward any charges to the registered installer of the marker.
5. Any group, individual or company wishing to install a marker must first acquire an installation permit from the Village of Leask.

6. The Village of Leask reserves the right to remove any grave cover that:
 - a) is deemed unsightly and
 - b) is at least 10 years old and is damagedand shall only do so after no less than 60 days written notice to a known family member. The grave cover shall be treated as a disposable item and shall be disposed of in a manner consistent with the common disposing practices of the Village of Leask.

7. INTERMENT

1. Any person applying for interment in the Cemetery shall furnish the Administrator with such particulars as he/she may require for the purpose of maintaining the records.
2. The funeral home or family desiring to have a grave dug shall notify the Administrator and make arrangements for the purchase of a lot (unless a lot has already been purchased). This notice shall be given no less than 24 hours in advance of the interment. In the case of graves being required for a Sunday or Monday burial, notification shall be provided no later than 2:00 p.m. on the preceding Friday.
3. Interment may take place between the hours of 8:00 o'clock in the morning and 5:00 o'clock in the afternoon on any day except Saturday, Sunday and Statutory Holidays. Special arrangements for burials after 5:00 o'clock or on Saturdays, Sundays or holidays must be made at the Village Office.
4. The Village shall provide a lot, without charge for the burial of persons whose funeral expenses are paid by another Government Agency.
5. It shall be compulsory that a burial vault be used in the interment of all deceased persons in the cemetery excepting those that have been cremated.

8. GENERAL REGULATIONS

1. No grave shall be opened and no disinterment shall take place unless a written permit is obtained from the Minister of Public Health. Whenever a body is permanently disinterred from a grave and the grave is vacated, ownership rights of the lot so vacated shall revert to the Village of Leask.
2. No fences or boundary markers around a grave or graves shall be permitted.
3. All persons employed in the construction and/or installation of burial vaults, grave markers or in doing any other work on lots or graves in the Cemetery shall be subject to the direction and control of the Administrator, and in the case of any such person or persons refusing to obey the directions or orders of the Administrator, the Administrator shall be empowered to remove such person or persons from the Cemetery.
4. The Village shall have the right to remove all flowers and wreaths, natural or artificial, from any grave thirty days after their placement thereon.
5. The Administrator may remove or prevent the placing of any stand, holder, base or other receptacle for flowers or plants deemed to be unsuitable and a hindrance to the maintenance of the Cemetery.
6. The Village shall have the right to remove from any lot weeds, grass or any article which is deemed unsightly.
7. The Administrator, or any Village employee in his/her charge, shall be empowered to remove from the Cemetery any person or persons disturbing the quiet and good order of the Cemetery by noisy or improper conduct or language.

8. All work in the immediate vicinity that may disrupt the quiet and good order of the Cemetery shall cease while mourners are present at a burial service being conducted at the Cemetery.
9. No person shall write upon, mark, scratch, deface or injure any lot, grave marker, fence building or any structure in or around the Cemetery. Any person found guilty of such damage shall be responsible for the cost of repairing the damage and be subject to the penalty imposed in Part 9 of this Bylaw.
10. All notices and communications required to be given to purchasers of a lot or lots, or their heirs may be delivered either in writing by Registered Mail to their last known address or given verbally by the Administrator in the presence of another person and shall be considered sufficient evidence that such notices have been given.

9. PENALTY

Any person found guilty of an infraction of this Bylaw or any part thereof, shall be liable on summary conviction, to the penalties prescribed by the General Penalties Bylaw of the Village of Leask.

10. REPEAL

Bylaw No. 4/07 is hereby repealed.

Mayor

Administrator

Read a third time and finally adopted this
20th day of March, 2013