

**TOWN OF TISDALE
BYLAW NO. 04/12**

A BYLAW OF THE TOWN OF TISDALE TO PROVIDE FOR THE
REGULATION AND CONTROL OF THE TISDALE CEMETERY.

THE MAYOR AND COUNCIL OF THE TOWN OF TISDALE IN THE PROVINCE OF
SASKATCHEWAN ENACTS AS FOLLOWS:

This bylaw shall be known as The Town of Tisdale Cemetery bylaw.

Name – The said Cemetery shall be named Tisdale Cemetery.

Locations – West Cemetery - The South East quarter of legal subdivision 1 of section eleven (11) Township Forty-Five (45), Range Fifteen (15) West of the Second (2nd) Meridian, Containing 10 acres more or less.
East Cemetery – Parcel AC, Plan No. 99A24026

A. DEFINITIONS

Administrator – the Town Administrator of the Town of Tisdale.

Base – the bottom part or lower portion of a monument.

Burial Vault – a sturdy box designed to protect the coffin inside of it. The body is placed within the coffin, which is placed inside the vault. The burial vault serves as an outer enclosure for buried remains; the coffin serves as an inner enclosure.

Cemetery – land within the Town of Tisdale set apart for, or used as, places for the interment of human remains and includes a place where human remains have hitherto been buried.

Cemetery Committee – shall consist of the Tisdale Recreation and Parks Board duly appointed by Council.

Columbarium – means a structure or building in a Cemetery designed for the purpose of storing or interring cremated human remains in sealed compartments or niches

Council – the Council of the Town of Tisdale.

Cremains – the ashes of a cremated human body.

Director – the Director of Recreation and Parks, or any person acting under his instructions, or other person designated by the Town Council.

Deferred Payment Plan – means an option to pay for the purchase of a plot and niche over a specified period of time, rather than full payment at the time of purchase. Payment in full is required before any service or product can be provided to the purchaser.

Foundation – concrete slab with a minimum thickness of 4 inches which is flush with the ground level.

License – a permit provided by the Town to an individual with respect to a plot/grave for the purpose of a single burial as provided for herein, or for the burial of cremains as provide for herein.

Licensee – a license holder, his/her, executor, administrator or transferee.

Marker – a memorial of granite, hard marble or bronze flush with the ground.

Monument – any structure in the Cemetery erected or constructed above the ground on any plot for memorial purposes. The monument shall be made of granite, hard marble, bronze, or other material approved by the director.

Perpetual Care – leveling the ground on each lot/grave, seeding, watering, mowing and trimming of 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 of the other like structures except as specifically provided by this bylaw.

Plot / Grave – a subdivision of land in the cemetery for the purpose of a single burial of non-cremated human remains or the burial of cremains with or without non-cremated human remains as shown on the cemetery plan having the following dimensions:

	West	East
Regular Grave	4' x 10'	5' x 10'
Cremains grave	2' x 4'	39" x 39"
Cremains Premium Upright	None	39" x 78"

Public Works Director – the Director of the Public Works department for the Town of Tisdale, or any person acting under his instructions, or any person designated by the Town Council.

Section – an area of more than one plot.

Town – the Town of Tisdale.

B. GENERAL REGULATIONS

1. The hours of burial in the Cemetery shall be from 8:30 AM to 4:00 PM daily, except Saturdays, Sundays, Public and Statutory Holidays, on which days, special arrangements will be required. Closing of a grave concluding later than 4:00 PM shall be assessed a late fee as stated in Schedule "A".
2. The Cemetery will be closed to the public after sunset and before sunrise of each day.
3. During a burial service, all work in the immediate vicinity of the Cemetery shall be discontinued.
4. In the event of the consecration of the said Cemetery or any part thereof, such act of consecration shall not be held to invest that religious body with any exclusive rights and powers or jurisdiction either spiritual or temporal.
5. No grave for the burial of an adult shall be less than six feet in depth from the surface of the ground surrounding grave, and no more than one body per grave shall be allowed, except however, a maximum of two ash remains may also be interred. Cremains will be buried under the monument if the interment of the cremains is to take place first. Three ash remains may be interred with no interred body in the following order head, middle and foot.
6. No interment of remains or cremains is permissible except within the plot acquired by the licensee for that purpose.
7. Niche shall only be used for the storage (in an urn) of ashes of human remains, only those individuals on the license can be interred into the niche.
8. Each niche shall contain no more than two urns and each urn shall contain only the ashes from one individual.
9. Inscriptions may be made only on the exterior granite niche door.
10. The purchasers of a niche may not sell the niche but may return the niche to the Town or may upon application to the Administrator, transfer the ownership only to the immediate members of their family.
11. Cremains shall be buried no less than two feet in depth from the surface of the surrounding ground.
12. No interment of two or more bodies shall be made in one grave except in the case of Parent and Child concurrently or two infants buried concurrently in one casket, subject to applicable legislation.

13. The Town or any official thereof shall not be held responsible for any mistakes resulting from lack of precise instructions regarding the grave space where an interment is to be or has been made.
14. Twenty-four (24) hours notice, including one business day, exclusive of Saturdays, Sundays, Public and Statutory Holidays must be given to the Town 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. Funeral directors shall have all documents for interments in the Cemetery signed and necessary fees paid prior to any work being undertaken at the Cemetery, by the owner of the grave in which such interment is to be made or by the legal representative of the owner.
16. Employees of the Cemetery are not permitted to do any work for lot owners except upon order of the Director but are required to be civil and courteous to all visitors.
17. All persons, while in the Cemetery shall conduct themselves in a quiet and orderly manner.
18. All persons who enter the Cemetery shall do so at their own risk, and shall be and remain responsible for any injury or other loss, whether to person or property at the Cemetery. The Town of Tisdale and its employees and agents shall not be responsible for any such loss or injury, including loss, injury or damage to monuments or markers, whether resulting from negligence of their employees or agents or otherwise.
19. All persons 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 property, memorial, fence or other structure within the Cemetery grounds. Infractions to this bylaw will be subject to the General Penalty Bylaw of the Town.
20. 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 20 kilometers per hour (20 K.P.H.)
21. Permanent structures of any kind other than monuments or markers are prohibited in the Cemetery.
22. The Town shall set aside and designate a portion of the Cemetery as the Veterans Section for the burial of the Service and Ex-service Personnel only. The determination of who is Service or Ex-service Personnel shall be made solely by the Administrator. Spousal ash remains (non-veteran) may be interred within the Veterans plots in the Cemetery.
19. No ATV's or Snowmobiles shall be allowed within the limits of the Cemetery.

C. LICENSES

1. The Town may grant a license to any person for the exclusive use by him, his heir, his executor, administrator of any plot or grave or any other person upon written approval from the original licensee, his heir, executor or administrator. The said license is to be subject to all the provisions of this bylaw and amendment thereto or any regulation passed from time to time by the Council.
2. The Administrator will enter into deferred payment plans for a plot or niche provided the following conditions are met:
 - a) A down payment of a minimum 10% of the total applicable fees is made immediately and
 - b) The balance is paid in full, in monthly installments, within 1 year from the date the agreement is signed.
 - c) Interest will be charged on any amount which is overdue for more than 30 days. If the agreement is not paid in full within the 1 year, the Administrator may refund the monies paid, less administrative costs, less the 10% down payment, and reclaim the plot or niche. The actual license to use the plot or niche will not be issued until full payment is made.
3. The fees for the purchased and opening of graves at the Cemetery shall be in accordance with the rates set out in schedule "A" attached to this Bylaw. The said Schedule may be amended from time to time by a resolution of the

- Council. The cost of opening and closing reserved graves may be prepaid, however, subject to paying the difference between the prepaid cost and the cost in effect at the time of their use.
4. It shall be the Responsibility of the licensee, his heir, executor or administrator, to maintain a current address for service in the office of the Administrator. Direction to that shall be so noted on the License.
 5. The Administrator or his or her appointee shall make all sales of graves in the Cemetery and shall receive all monies resulting from the sale of such graves. The purchase of a grave includes the License for its use.
 6. The Administrator shall keep a correct account of all monies received therefrom and of all expenditures made in connection with the Cemetery, with the name and description of each grave in the Cemetery, with the name and description of the licensee thereof and of every transfer and all other books necessary to keep a complete record of all business transacted by him in connection with the Cemetery.
 7. The License for use of a grave is valid for a period of 20 years from the date it is issued. Provided such grave is not used for a burial within that time, it is the responsibility of the Licensee or his legal representative to renew the license, upon such conditions as may then be in effect, for a further period of time, until the grave is used. IN the event the license is not so renewed, it shall expire and ownership of the grave shall revert to the Town, subject to the provisions of The Cemeteries Act.
 8. No grave shall be used for any other purpose than for the burial of the human dead. Nor the burial of any person other than the licensee or his/her immediate family.

D. SURRENDER OF LICENSE

1. Cemetery graves or niches shall not be resold but may be transferred before use back to the Town of Tisdale. In case of the transfer to the Town, the Town will refund to the licensee, the original purchase price, less a transfer fee of 25% of the price of the grave or niche.
2. The license to use a grave or niche cannot be transferred except to an immediate family member and upon receipt by the office of the Administrator of the written authorization of the original lessee or his legal representative plus a transfer fee of \$25.00.
3. Whenever human remains in a plot are removed from the Cemetery, the License to the Plot so vacated may be sold back to the Town and the Town shall refund to the Licensee the original purchase price, less the transfer fee of 25% of the price of the grave or niche. However, if human remains are transferred from one lot to another lot the original price paid for the use of such lot may be applied toward the cost of the purchase of a License in respect to the new Plot or the cost of the disinterment as set out in Schedule "A" of this Bylaw.

E. DUTIES OF PUBLIC WORKS DIRECTOR

1. It shall be the duty of the Recreation and Parks Foreman to determine the location of grave lots, whose decision shall be final, subject to the provisions of The Cemeteries Act.
2. It shall be the duty of the Public Works Director to maintain the roads leading to and within the Cemetery in acceptable condition.
3. It shall be the duty of the Recreation and Parks Foreman and/or the Public Works Director to supervise the digging and filling of graves to assure other grave sites are not disturbed.

F. INTERMENTS

1. A licensee of any Plot who, having the necessary authority desires to have a grave dug therein, shall first pay to the Administrator the fees for opening the grave in accordance with the said "Schedule A" to this Bylaw or as the said Schedule may be amended from time to time by resolution of Council. The Administrator shall then prepare a notice that the interment is to take place, setting out such details as may be required, and present such notice to the Director or the Public Works Director as his authority to open the grave as set out in the said notice
2. No interment of a body shall be permitted in the same grave where another body has already been interred with the exception of cremated remains or in the case of Parent and Child concurrently or two infants buried concurrently in one casket, subject to applicable legislation.
3. Interment shall be made only between the hours of 8:30 A.M. and 4:00 P.M. or exceptional circumstances through special arrangements with the Administrator or as certified by the Medical Health Office.
4. No interment shall be made until a legal Burial Permit has been obtained and proper notice is given to the Administrator as herein provided.
5. No person shall bury any dead body in the Town of Tisdale until such person has complied with the provisions of the Public Health Act the Vital Statistics Act, and the Cemeteries Act of the Province of Saskatchewan.
6. It is a requirement that a fiberglass burial vault be used for all interments for the East Cemetery.
7. Burial Vaults for cremains will be allowed. The burial vaults must be made of plastic or fiberglass and be no larger than 12" high by 16" wide.

G. DISINTERMENT

1. No person shall disinter or remove a body from any lot or plot without first producing a written order from the licensee of such lot, a permit for such disinterment or removal issued by the Minister of Public Health, and a receipt from the Administrator showing that the necessary fees have been paid in accordance with rates set out in Schedule "A" of this bylaw.
2. The Town's service in connection with disinterment shall only include the opening of the grave down to the top of the casket or urn and the Funeral Director in charge shall be responsible for the actual removal of the remains or ashes.

H. FREE PLOT

There shall be no special section within the cemetery reserved for the interment of unclaimed bodies or indigent persons however, the Director of Social Service Center may issue an order for the interment of unclaimed bodies or an indigent person within the cemetery and the Administrator shall issue the necessary license for the interment free of charge.

I. MONUMENTS, COLUMBARIUM MONUMENTS, MARKERS AND FOUNDATIONS

1. All monuments, markers, foundations shall be installed entirely within the plot for which the same are intended.
2. No person shall place or erect in the Cemetery any monument without first obtaining a permit from the Administrator. The Administrator will in turn forward such permit to the Director, and such permit will only be issued to the licensee of the plot in question.
3. All monuments shall be manufactured of granite, marble, bronze or other material approved by the Cemetery Committee.
4. All markers shall be manufactured of granite, hard marble or bronze.
5. The initial monument or marker for each plot must be placed at the head of the grave and shall be in a location designated or approved by the Director. Exception to this would be where a continuous concrete foundation has been poured and the monument or marker will be placed at the foot of the grave.

6. Each monument placed at the head of the grave shall be set on a concrete foundation of a minimum thickness of 4". The upper surface of each foundation shall be to ground level and in each case the foundation shall project 6" on all sides of the base of the monument, to be erected thereon.
7. Each marker placed at the head of the grave or on the plot will not be required to be placed on a foundation if they have a minimum thickness of 3". If the minimum thickness is less than 3" all markers must be either embedded into concrete with a minimum thickness of 4" or be placed on a foundation with a minimum thickness of 4".
8. Flat markers that have a minimum thickness of 3" [and are to be placed on the plot] will not be required to be placed on a foundation. All other markers must be embedded into concrete with a minimum thickness of 4".
9. There shall be not more than one monument and one marker permitted on each lot except where cremated remains are to be buried in an occupied grave with an existing monument or marker, whereas in such cases additional [monuments] or markers set at the head of the grave would be allowed providing the [monuments] or markers together do not exceed the specifications for a single or double monument restrictions as listed below.
10. The Cemetery workman employed by the Town shall install each foundation or marker and the cost thereof shall be the responsibility of the person ordering the work done.
11. Precast foundations will be used for all monuments. If a precast foundation is not available due to size, etc. the Director will hire a contractor to perform this work and charge the actual cost as noted under Schedule "A" for precast foundations.

J. MONUMENT SIZE RESTRICTIONS

West Cemetery

1. Single monuments:
 - Foundation shall not exceed the dimension of 48" long by 30" wide and have a minimum thickness of 4".
 - The monument base and monument shall not exceed 36" long by 18" wide and not be higher than 48". Such specifications shall be those applicable in cases where a monument or pillow is to mark a single grave lot with multiple interments.
2. Double monument
 - To mark two graves adjacent to each other.
 - Foundation shall not exceed the dimension of 54" long by 30" wide and have a minimum thickness of 4".
 - The monument base and monument shall not exceed 42" long by 18" wide and not be higher than 48".
3. Triple monument
 - To mark three graves adjacent to each other.
 - Foundation shall not exceed the dimension of 72" long by 30" wide and have a minimum thickness of 4".
 - The monument base and monument shall not exceed 60" long by 18" wide and not be higher than 48".
4. Single flat markers
 - Foundation shall not exceed the dimension of 48" long by 30" wide and have a minimum thickness of 4".
 - The marker shall not exceed 36" long by 18" wide.
 - The funeral home will be responsible for the foundation and to have the marker install into the foundation if required.
5. Double flat markers
 - Foundation shall not exceed the dimension of 54" long by 30" wide and have a minimum thickness of 4".
 - The marker shall not exceed 42" long by 18" wide.
 - The funeral home will be responsible for the foundation and to have the marker install into the foundation if required.
6. Veterans Section
 - Markers shall not exceed 20" long by 12" wide.

Markers flush with the ground and without a foundation will be permitted in this section only.

7. Cremains Section – single - continuous concrete pad
Marker shall not exceed 20" long by 20" wide and be a minimum of 3" thick.
Monument base and monument shall not exceed 20" long by 20" wide and not be higher than 16".
8. Cremains Section – double – continuous concrete pad
Marker shall not exceed 44" long by 20" wide and be a minimum of 3" thick.
Monument base and monument shall not exceed 44" long by 20" wide and not be higher than 24".

East & West Cemetery

9. Continuous Concrete Pad For Traditional Plots
 - a) Monument base and monument to mark a single grave shall not exceed 36" long by 18" wide by 48" in height;
 - b) Monument base and monument to mark two graves shall not exceed 84" long by 18" wide by 48" in height;
 - c) Monument base and monument to mark three graves shall not exceed 132" long by 18" wide by 48" in height.

East Cemetery

10. Cremains will be allowed on a traditional plot as per Section B. General Regulations subsection 5 however no Flat Markers will be allowed on the plot itself.

East Cemetery Cremains

11. Cremains Section flat markers only. Markers shall not exceed 20" x 20" and have a minimum thickness of 4".
12. Premium Upright Section – continuous concrete pad. Monument base and monument shall not exceed 28" x 20" and be no higher than 24".

K. MONUMENTS IN DISREPAIR

1. The Director may declare any monument, marker or other structure in the Cemetery to be in a state of disrepair or unacceptable or quality and may order the Licensee to repair the same within thirty (30) days of the notice.
2. If the Licensee of the monument or marker neglects to make the required repairs or alterations within the said period of 30 days, the Director may have the monument, marker or other structures removed from the cemetery and disposed of, or at the Licensee's request the Director may make the repairs to the monument, marker or other structures and charge the cost thereof to the Licensee which may be recovered as a debt by the Licensee to the Town.

L. CARE OF GRAVES

1. The Director shall have the general care of the entire Cemetery. The Licensee of the graves shall observe all rules and regulations passed from time to time by Council for keeping the graves in order.
2. No permanent structure or material shall be constructed, placed or planted in or around any plot other than for the purpose of operating the cemetery as authorized by the Director.
3. Any permanent structure or material erected before the passing of this Bylaw shall be removed by the Town when it reaches a state of disrepair as determined by the Director. Notice in writing of such action shall be forwarded to the Licensee at his address for service.
4. The Cemetery employees shall have authority to remove all floral designs, flowers, weeds, trees, shrubs, or plants of any kind from the Cemetery as soon as in the judgement of the Director, they become unsightly, dangerous, detrimental or diseased.
5. The Director may prevent the removal of any flowers, floral designs, trees, shrubs or plants of any kind.

M. FLORAL ARRANGEMENTS

1. Cut flowers, including artificial flowers, and/or fraternal emblems shall be permitted, provided that the flower container and/or emblem is permanently secured to the base or marker
2. The Cemetery employees will remove or prevent the placing of any stand, holder, vase, or other receptacle for flowers or plants which is deemed to be unsuitable for such purpose or is unsightly in appearance or is not physically attached to the monument, base or marker.
3. The Cemetery employees will remove from any grave any funeral design or floral piece which has become wilted, or after a period of ten (10) days, whichever is sooner, or any other article or thing which is in his opinion unsightly.
4. No grave or plot shall be decorated by its owner or owners or others interested therein with any trees, shrubs or plants without written permission of the Director. This shall not be deemed to prohibit the placing of cut flowers upon graves, as per section #1 above.
5. All flower arrangements as described in section #1, 2 or 3 above shall be removed no later than October 15 of each year. Notice of flower removal will be published prior to the deadline.
6. On Columbarium Niche doors flowers must be placed into approved vases that fit the Niche door and are attached by adhesive material. Taping of flowers to Niche doors is not allowed.

N. BORDERS, FENCES, HEDGES

1. No border, fence, railing, trellis, coping or hedge or any other bounding or enclosing object or material shall be constructed, placed or planted in or around any lot other than the purpose of operating the Cemetery as authorized by the Director.
2. Any border, fence, railing, trellis, coping or hedge or any other bounding or enclosing object or material erected before the passing of this bylaw shall be removed by the Town when it reaches a state of disrepair as determined by the Director. Notice in writing of such action shall be forward to the Licensee at his/her address for service.
3. No tree or shrub shall be planted in the Cemetery except with the permission of the Director. If any tree, shrub or plant situated on or adjacent to any plot or part thereof shall in the opinion of the Director by means of its roots or branches in any way become detrimental to any adjacent grave, path or driveway or to the general appearance of the Cemetery or become dangerous or inconvenient to the public, the Director may arrange for the removal of such tree, shrub or plants or parts thereof.
4. The Director shall provide for the planting of trees and shrubs to preserve and maintain landscape features.

O. NOTICE

All notice required to be given to Licensees or permit or permit holders for monuments or other parties by this bylaw may be delivered in writing by the Director or in writing, mailed postage paid to the last known address of such licensee or owner or other party and such delivery or mailing shall constitute proper notice under this Bylaw.

P. INDEMNITY

The Town shall indemnify and save harmless each of its employees and servants, including the Director, the Administrator, and the Public Works Director 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.

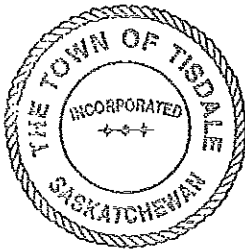
Q. ENFORCEMENT OF RULES

The Director is hereby empowered to enforce all rules and regulations and to exclude from the Cemetery, any person violating same and to remove any monument or marker installed contrary to this bylaw. The Director may take all other actions necessary or advisable for the performance of this bylaw, including the disinterment of the bodies hereafter buried in the contravention hereof. The costs incurred, as the result of all such actions shall be recoverable by the licensee. The Director shall have charge of the grounds and buildings including the conduct of the funerals, traffic, employees, licensees and visitors and at all times, shall have supervision and control of all persons in the Cemetery.

R. 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 Town of Tisdale.

S. Bylaws No. 8/01, 13/05 and 22/08 of the Town of Tisdale are hereby repealed.



SEAL

Russ Jones

Mayor

Brad Hvidston

Town Administrator

CERTIFIED A TRUE COPY of Bylaw 4/12 passed by a resolution of Council of the Town of Tisdale on the 13th day of February, 2012.

Brad Hvidston

BRAD HVIDSTON
ADMINISTRATOR