

**TOWN OF WADENA  
PROVINCE OF SASKATCHEWAN**

M-11 (a)

**BYLAW NO. 03-18**

**A BYLAW OF THE TOWN OF WADENA TO PROVIDE FOR THE REGULATION  
AND CONTROL OF THE WADENA CEMETERY**

The Council for the Town of Wadena, in the Province of Saskatchewan, enacts as follows:

1. This bylaw may be cited as the "Cemetery Bylaw".
2. In this bylaw:
  - a) **"Authorized decision-maker"** means a person designated as an authorized decision-maker pursuant to *The Funeral and Cremation Services Act*;
  - b) **"CAO"** means Chief Administrative Officer of the Town of Wadena;
  - c) **"Caretaker"** means the cemetery caretaker contracted by the Town of Wadena or any person acting under his instructions; or any other person designated by the Chief Administrative Officer of the Town of Wadena;
  - d) **"Cemetery"** means land owned by the Town of Wadena set apart for use as a place for the interment, known as the Wadena Cemetery, and described as follows:
    - i) Old Section: Parcel C, Plan No. 101818414 (Portion of the North-west quarter of Section 28, Township 34, Range 13, West of the Second Meridian, in the Province of Saskatchewan); and
    - ii) New Section: Parcel A, Plan No. 94H03114 (Portion of the North-east quarter of Section 28, Township 34, Range 13, West of the Second Meridian, in the Province of Saskatchewan);
  - e) **"Columbarium"** means a structure or building in a cemetery designed for the purpose of storing or interring cremated human remains in compartments or niches;
  - f) **"Council"** means the elected Council of the Town of Wadena;
  - g) **"Cremated human remains"** means human bone fragments that remain after cremation;
  - h) **"Disinterment"** means the removal of buried human remains or cremated human remains or the removal of an urn with cremated human remains in a columbarium;
  - i) **"Human remains"** means a dead human body, but does not include cremated human remains;
  - j) **"Interment"** means the burial of human remains or cremated remains, or the inurnment of cremated human remains in a columbarium;
  - k) **"License"** means the interment rights for a plot or niche within the cemetery for the purpose of the interment of human remains or cremated human remains;
  - l) **"Licensee"** means a person to whom a license has been issued pursuant to this bylaw;
  - m) **"Memorial"** means a marker, headstone, tombstone, monument, plaque, or inscription constructed of bronze, granite or marble, that is used to identify a lot or memorialize a deceased person or persons;
  - n) **"Niche"** means each individual compartment in a columbarium to be used for the interment of up to two (2) urns of cremated remains;
  - o) **"Plot"** means a parcel of land in the cemetery used or intended to be used for the interment of human remains or cremated human remains;
  - p) **"Town"** means Town of Wadena;

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**Licenses**

3. The Town may grant a license to any person for the exclusive use of any plot or niche. The said license shall be subject to all provisions of this bylaw and any amendments or regulation passed from time to time.
4. The license fee and all other charges shall be in accordance with the rates as set out in Schedule A of this bylaw.
5. The CAO or his or her appointee shall make all sales of plots and niches in the cemetery and shall receive all monies resulting from the sale of such plots and niches. The purchase of a plot or niche includes the license for one interment.
6. The CAO shall keep an accurate account of all monies received therefrom and of all expenditure made in connection with the cemetery, with the name and description of each plot 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 in connection with the cemetery.
7. Unused plots or niches shall not be resold by the licensee but may be either:
  - a) Transferred back to the Town for a refund to the original licensee or authorized decision-maker, of the original purchase price of the plot license fee or niche license fee less a transfer fee of \$25.00; or
  - b) Transferred to an immediate family member upon receipt by the CAO of the written authorization of the original licensee or authorized decision-maker, plus a transfer fee of \$25.00.
8. Upon disinterment, the vacated plot or niche shall revert to the Town. In such case, the Town will refund to the original licensee or authorized decision-maker, 50% of the original purchase price of the plot license fee or niche license fee.
9. Plots and niches shall be sold in a sequence to be determined by the Town.
10. The CAO shall provide a license free of charge for an unclaimed body or for a deceased indignant person where the Town is instructed to do so pursuant to the provisions of *The Cemeteries Act, 1999* and any regulations thereto addressing the interment of indigent persons.

**\* Amended by Bylaw No. 2020-07**

**General Regulations**

11. The provisions of Section 62 of *The Cemeteries Act, 1999* shall apply with respect to conduct of individuals in the cemetery.
12. No person shall plant any trees, shrubs, flowers or any vegetation or do work of any kind in the cemetery without the permission of the Cemetery Committee and/or Caretaker.

**General Supervision**

13. All powers granted to the CAO, Director of Parks and Recreation, Cemetery Committee and Caretaker shall be subject to the regulations and control of Council.
14. The cemetery shall be supervised and managed by a Committee, to be known as the Cemetery Committee. The Cemetery Committee shall be appointed by Council and comprised of three (3) members: one (1) member of Council, one (1) member appointed by the Rural Municipality of Lakeview, and one (1) member-at-large.
15. The Town shall determine the locations of plots by providing pins throughout the cemetery and he shall stake a plot or plots out before any digging is undertaken.
16. The Town shall supervise the digging and filling of graves to assure that other plots are not disturbed. Graves are to be filled to a level in which grass can be sown.
17. It shall be the duty of the Town to determine the locations where a memorial may be erected and shall stake such location prior to the erection thereof.
18. It shall be the duty of the Town to maintain areas of the cemetery including:
  - a) the grass, weeds, and trees;
  - b) all walks and paths; and
  - c) all driveways in the cemetery.
19. In the absence of a Caretaker, all caretaking duties are the responsibility of the Parks and Recreation Department.

**\* Amended by Bylaw No. 2020-07**

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**Interments & Disinterments**

20. No person shall bury any dead body in the cemetery until such person has complied with the provisions of *The Public Health Act* and *The Vital Statistics Act, 2009* of the Province of Saskatchewan and with the regulations issued thereunder and also with the provisions of this bylaw.
21. The owner(s) of a plot and/or niche, or authorized decision-maker, shall, prior to any interment, provide to the Town an authorized burial permit or cremation certificate.
22. Whenever a plot or niche is held jointly by two or more parties, authority for interment in such plot or niche, or any part thereof will be accepted by the Town from any one of the said parties or their authorized decision-maker.
23. Notice that an interment is to take place shall be given to the Caretaker at least thirty-six (36) hours before the interment is to take place during the period December 1st to May 31st and at least twenty-four (24) hours before the interment is to take place during the period of June 1st to November 30th. This shall not apply in the case of a person who dies of any communicable disease.
24. No interment of more than one human body shall be made in one plot except in the case of a parent and child, or two infants in one casket.
25. Cremated human remains shall only be interred in a plot or niche in the cemetery.  
\* **Amended by Bylaw No. 2020-07**
26. Each plot shall be used in the following combinations;
  - a) One casket interment and up to three cremated human remains interments (casket interment must be first); or
  - b) Up to four cremated human remains interments.

An identifying marker shall be placed directly above the vessel(s) or container(s) flush at ground level as set out in Schedule B.

27. Human remains shall be interred so that the top of the outer burial container not less than two metres (78 inches) in depth below the surface of the ground.
28. Interment of cremated human remains shall be no less than 24 inches in depth below the surface of the ground, a depth sufficient to give a covering of at least 12 inches over the vessel or container.
29. All cremated human remains interred in a niche must be in a non-degradable vessel or container manufactured of brass, ceramic, metal or other material approved by the Cemetery Committee.
30. The size of single urn, or combined size of two urns, for interment in the columbarium shall not exceed 12 inches by 12 inches by 14 inches deep.
31. The opening and closing of a niche shall be performed by the Town. Niches will only be opened, other than for interment, when deemed necessary and authorized by the Committee.
32. No person other than a qualified Funeral Director shall have charge of the interment or disinterment of any human body.
33. No disinterment shall be made without written authority from the licensee of the plot 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 of the Province of Saskatchewan.

**Columbarium Plaques & Memorials**

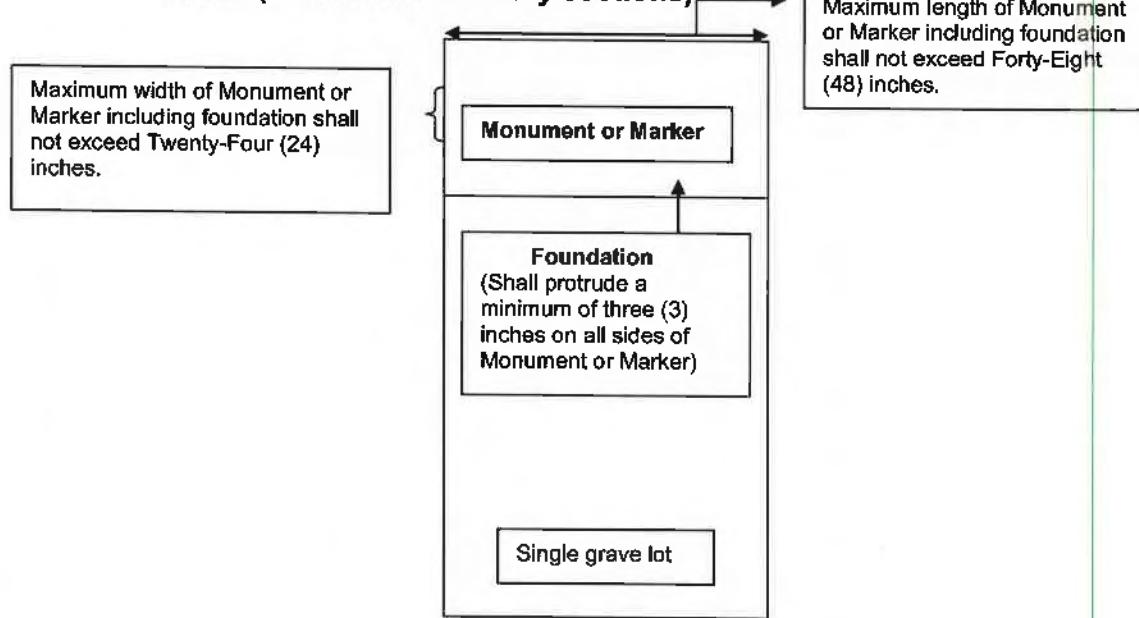
34. Bronze plaques for the columbarium niches and memory wall are arranged and ordered strictly by the Town.
35. All memorials in the cemetery shall be manufactured of cut stone, granite, bronze, marble or other material approved by the Committee. Memorials may be either flat or vertical. Grave covers of any type shall not be permitted.
36. All memorials must be set at the head of a plot and shall be in a line designated by the Cemetery Committee.
37. Each memorial in the old cemetery sections shall be set upon a concrete foundation. The upper surface of such foundation shall be constructed to surface or ground level and the foundation shall protrude on all sides of the memorial to be erected thereon.

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a minimum of three (3) inches. Each memorial in the new cemetery sections shall be set upon the concrete sidewalk system.

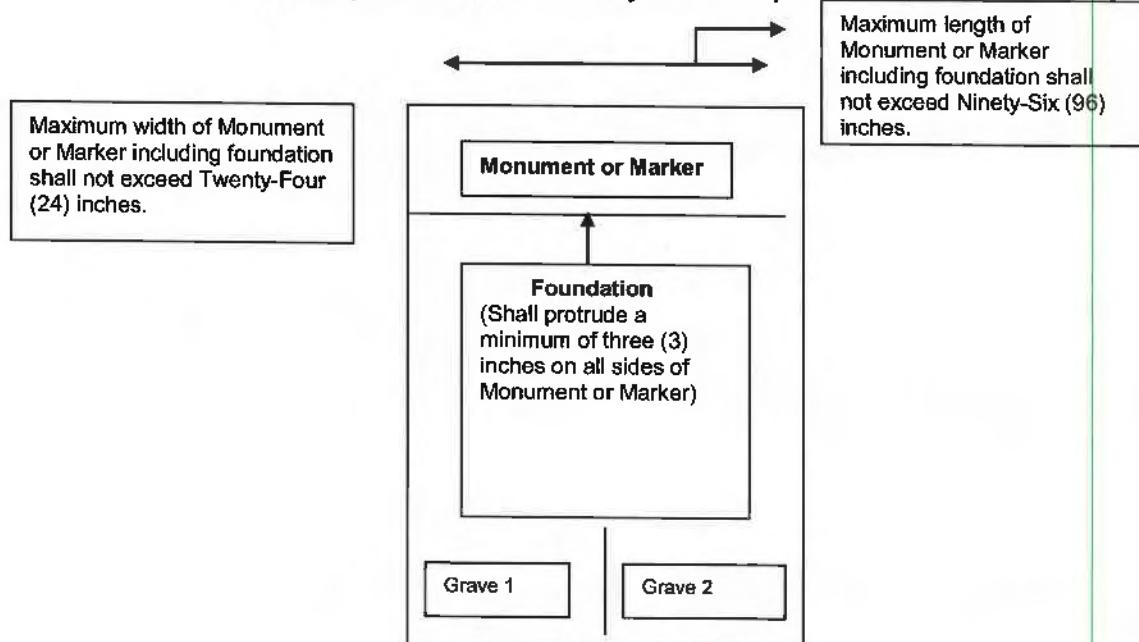
In the case of a single plot, the memorial with foundation shall not exceed forty-eight (48) inches in length and shall not exceed twenty-four (24) inches in width. (FIG. 1)

**FIG. 1 (for the old cemetery sections)**



In the case of two plots, the memorial with foundation shall not exceed ninety-six (96) inches in length and shall not exceed twenty-four (24) inches in width. (FIG. 2)

**FIG. 2 (for the old cemetery sections)**



38. No memorial erected in the cemetery is to exceed thirty-six (36) inches in height from ground level to the top of the monument or marker.
39. No memorial shall be erected in the cemetery until the design and description thereof has been approved by the Town and a written permit is issued for the erection of such memorial.

#### **Care of Plots**

40. No borders, fences, railings, curbs, copings, trellises, grave covers, concrete or stone corners, or iron posts shall be constructed nor shall any hedges, trees or flowers be planted in or around any plot.
41. Ornaments, including flower holders or vases, crosses or statues, or solar lights, may be permitted on plots if they are unbreakable and permanently secured to the base of the memorial.

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42. The Caretaker shall have authority to remove all floral designs, flowers, trees, shrubs, plants, or herbage of any kind from the cemetery as soon as they become unsightly, dangerous, diseased or detrimental to any adjacent plot, path or driveway.
43. The Town reserves the right to temporarily move or remove any memorial for the purposes of performing necessary maintenance.
44. Should any memorial or other structure placed or arranged in the cemetery be in a state of disrepair, the Town may have said memorial or other structure removed from the cemetery if the owner does not have the same repaired in accordance with the said notice.
45. The Caretaker and/or Cemetery Committee, shall, from time to time, report to the CAO and to the owners on the condition of any monument which is out of repair and it shall be the duty of the owner of such monument to repair same without delay to the satisfaction of the CAO.
46. Whenever any owner of a memorial or other structure neglects to make the required repairs or alterations after being given due notice by the CAO to do so, the Caretaker 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 memorial or other structure from the cemetery or to repair it and charge the cost thereof to the owner and the cost may be recovered as a debt due by the owner to the Town.
47. All notices required to be given to licensees of plots or owners of memorials or other parties by this bylaw may be delivered in writing or mailed postage paid to the last known address of such licensee or owner or other party. Proof of such notice having been delivered or properly addressed and prepaid shall be sufficient proof that such notice has been given.

#### **Ukrainian Catholic Parish of The Holy Ghost**

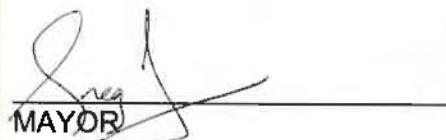
48. The Ukrainian Catholic Parish of the Holy Ghost shall manage, supervise and maintain the Ukrainian Catholic section within the cemetery. In the event the Ukrainian Catholic section is not maintained to the standards of the cemetery, Council shall have the authority to instruct the Ukrainian Catholic Parish to carry out such works as they deem necessary. Should the Ukrainian Catholic Parish neglect to carry out the required work, the Town shall have the authority to do so and levy a charge for work carried out.

#### **Penalty**

49. 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.

#### **Other**

50. That Bylaw No. 06-06 and Bylaw No. 02-18 be hereby repealed.
51. This Bylaw shall come into force and take effect on the day of final passing thereof.

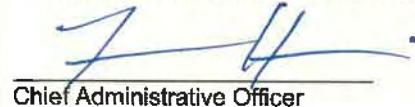


MAYOR



CHIEF ADMINISTRATIVE OFFICER

CERTIFIED A TRUE COPY OF Bylaw No. 03-18 adopted by resolution of Council on the 23<sup>rd</sup> day of January, 2018.



Chief Administrative Officer



**SCHEDULE A**

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**Schedule of Fees****Plots**

Plot license fee	\$300.00
Perpetual care fee	\$300.00
<b>Total</b>	<b>\$600.00</b>

Each additional cremated remains in one plot	\$400.00
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**Columbarium**

Niche license fee	\$1,500.00
Second urn	\$100.00
Second engraving of plaque	\$250.00
Memory wall plaque	\$500.00

Note: Each columbarium niche 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 second urn fee and engraving fee. If both urns are interred simultaneously, the second engraving fee is not applicable.

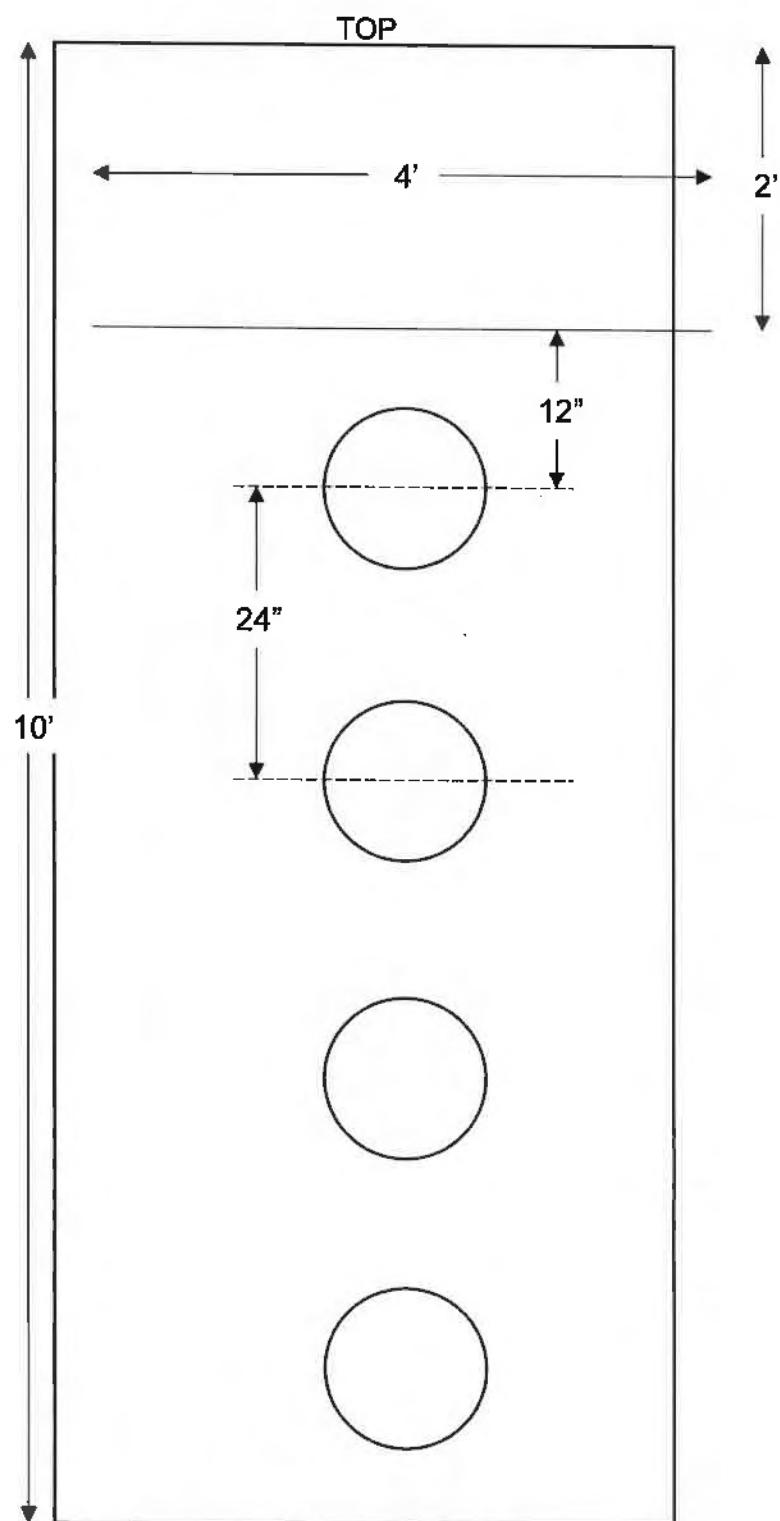
Bronze plaques are arranged and ordered strictly by the Town of Wadena.

GST is to be added to the above rates.

**SCHEDULE B**

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Cemetery Plot Size 4' x 10'



**TOWN OF WADENA  
BYLAW NO. 2020-07**

**A BYLAW TO AMEND BYLAW NO. 03-2018, KNOWN AS  
THE CEMETERY BYLAW**

The Council of the Town of Wadena, in the Province of Saskatchewan, enacts to amend Bylaw No. 03-2018 as follows:

1. Section 2 m) is replaced entirely with the following:

m) "Memorial" means a marker, headstone, tombstone, monument, plaque, or inscription constructed of bronze, granite or marble, but does not include private columbaria, that is used to identify a lot or memorialize a deceased person or persons;

2. Section 10 is replaced entirely with the following:

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

3. Section 13 is replaced entirely with the following:

13. All powers granted to the CAO, Manager of Works and Operations, Cemetery Committee and Caretaker shall be subject to the regulation and control of Council.

4. Section 19 is replaced entirely with the following:

19. In the absence of a Caretaker, all caretaking duties are the responsibility of the Works and Operations Department.

5. Section 25 is replaced entirely with the following:

25. Cremated human remains shall only be interred in a plot or niche in the cemetery. Private columbaria are prohibited.

6. This bylaw shall come into force and take effect when adopted by Council.

Read a 1<sup>st</sup> time this 22<sup>nd</sup> day of September, 2020

Read a 2<sup>nd</sup> time this 22<sup>nd</sup> day of September, 2020

Read a 3<sup>rd</sup> time this 22<sup>nd</sup> day of September, 2020



  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Chief Administrative Officer

Certified a true copy of Bylaw # 2020-07  
adopted by resolution of Council on Sept 22, 2020

  
\_\_\_\_\_  
Administrator