

CITY OF PRINCE ALBERT

BYLAW NO. 30 OF 2019

A Bylaw of The City of Prince Albert to be known as the "Cemetery Bylaw" to provide regulations for the use, care and maintenance of the South Hill Cemetery.

WHEREAS *it is deemed expedient to provide general regulations for the operation of the South Hill Cemetery in The City of Prince Albert;*

NOW THEREFORE THE COUNCIL OF THE CITY OF PRINCE ALBERT IN OPEN MEETING ASSEMBLED ENACTS AS FOLLOWS:

APPLICATION OF BYLAW

1. This Bylaw may be cited as the "Cemetery Bylaw".
2. This Bylaw shall govern all matters in respect to the operation of the South Hill Cemetery in accordance with The Cemeteries Act, 1999 and The Cities Act, 2003.
3. Unless the context otherwise requires, the terms of this Bylaw shall apply to custom work services supplied by the City to all other cemeteries within the city limits of the City of Prince Albert.

DEFINITIONS

4. In this Bylaw, unless the context otherwise requires, the expression:

- (a) "Casket" means a rigid container designed for the encasement of a body for interment, entombment or cremation and usually constructed of wood or metal, also referred to as a coffin;
- (b) "Cemeteries Act" means *The Cemeteries Act, 1999, S.S.*;
- (c) "Cemetery" means land within the City of Prince Albert set apart for, or used as, place for the interment of human remains and includes a place where human remains have hitherto been buried;
- (d) "Cemetery Foreman" means the person designated by the Director to be in charge of the cemetery, or their designate;
- (e) "Children's Section" means that area of the Cemetery designated for the burial of children being twelve (12) years of age and younger and the casket measuring less than forty-eight (48) inches in length;
- (f) "City" means the City of Prince Albert;
- (g) "Client" means the person/business requesting and/or responsible for the booking of City services.
- (h) "Columbarium" means a structure or building designed for the purpose of storing or interring cremated human remains in sealed compartments or niches and may be part of a building or a free-standing structure;
- (i) "Common Plot" means a plot with no License Fee for burial of unclaimed partial human remains (amputations), children less than one (1) week old and/or stillborn children;
- (j) "Council" means the Council of the City of Prince Albert;

- (k) "Cremated Human Remains" means human bone fragments that remain after cremation, also referred to as "cremated remains" or "cremains";
- (l) "Cremation" means the technical process of using heat to reduce human remains to bone fragments;
- (m) "Deepened Plot" or "Double Depth Plot" means a Plot that is dug to a minimum depth of two and one half (2.5) metres to accommodate the burial of not more than two (2) bodies;
- (n) "Director" means the Director of Community Services of the City of Prince Albert or their designate authorized to carry out the provisions of this Bylaw;
- (o) "Disinterment" means the removal of human remains or cremated human remains from a plot, columbarium or mausoleum;
- (p) "Fixture" means any item that is attached to a monument including vases, statues, pictures, lanterns, metal rods or similar item;
- (q) "Flat Marker/Monument" means a type of monument set flush with the ground with a flat and level surface upon which an inscription may be made or a bronze plaque affixed;
- (r) "Foot Marker" means a monument that is placed at the foot of the grave.
- (s) "Headstone" means a monument that is placed at the head of the grave.
- (t) "Hebrew Section" means all that portion of the South Hill Cemetery of an approximate dimension of one hundred fifty (150) feet by one hundred forty (140) feet which has been fenced off and designated as the Hebrew Section;

- (u) "Holiday" means any of the following days: New Year's Day, Family Day, Good Friday, Easter Monday, Victoria Day, Canada Day, Saskatchewan Day, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day, Boxing Day and any day or part of a day proclaimed a public or civic holiday; and shall include any day which is designated in lieu of one of the aforementioned days;
- (v) "Human Remains" means a dead human body, but does not include cremated human remains;
- (w) "Indigent" means a person who has no monetary assets and is a ward of the province under the care of Social Services.
- (x) "Indigent Plot" means a plot that was provided at no cost by the City of Prince Albert to be used specifically for the burial of an indigent person.
- (y) "Infant/Stillborn Plot" means a plot designated for the use of an infant or stillborn with the child being one (1) month of age and younger and the casket measuring less than twenty-four (24) inches in length.
- (z) "Interment" means the placement of human remains or cremated human remains in a plot, columbarium or mausoleum;
- (aa) "Interment Rights" means a license granted by the City to a person to allow the interment of human remains or cremated human remains in a designated plot, columbarium or mausoleum in accordance with these Regulations, the Bylaw and *The Cemeteries Act, 1999*;
- (bb) "Legal Decision Maker" means the person lawfully authorized to make decisions on behalf of a deceased person;

- (cc) "License" means a permit provided by the City to an individual with respect to a Plot for the purpose of a single burial or the burial of not more than two (2) bodies in a Plot as provided for herein in a deepened grave, or for the burial of cremated human remains as provided for herein. A License may be issued as authorized in this Bylaw in the form attached in Schedule "A";
- (dd) "Licensee" means a License holder, his/her heir, executor, administrator or transferee;
- (ee) "Manager" means the Parks Manager of the City of Prince Albert or their designate authorized to carry out the provisions of this Bylaw;
- (ff) "Plot" means a subdivision of land in the Cemetery for the purpose of interring human remains;
- (gg) "Monument" means any structure in the Cemetery erected or constructed on any plot for memorial purposes;
- (hh) "Niche" means a recess or hollow in a Columbarium, as for an urn or vase;
- (ii) "Perpetual Care" means the leveling of the ground on each Plot, seeding, watering and cutting of 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, monuments or other like structures except as specifically provided in this Bylaw. It is a one-time fee charged on each new license purchase to be set aside in a separate account for future years;
- (jj) "Plot" means a subdivision of land in the Cemetery for the purpose of interring human remains, also known as a grave;

(kk) "South Hill Cemetery" means all the land in Block Q, Plan 87PA16372 together with such further and other lands as Council may designate and the registrar may approve;

(ll) "Ukrainian Greek Catholic Section" means all that portion of the South Hill Cemetery described as Plots 496 to 508 inclusive, 509 to 521 inclusive, 530 to 542 inclusive, 543 to 555 inclusive, and 564 to 576 inclusive; and,

(mm) "Upright Monument" means a monument projecting above the ground that is set upon a concrete footing or foundation;

(nn) "Urn" means a container into which cremated remains are placed prior to interment, entombment or scattering;

(oo) "Vault" means a structural enclosure designed to cover a casket or urn and used to prevent sinking or slumping of plots and usually made of concrete, steel or fiberglass; and

(pp) "Veteran's Section" means that area of the South Hill Cemetery designated for the burial of Veterans.

5. The Director or designate may make regulations not inconsistent with this bylaw for the carrying out of this bylaw and for the efficient management and control of the cemetery. Such regulations shall be known as the Cemetery Regulations.

6. No person shall bury any human corpse within the limits of the City except within South Hill Cemetery or within such other cemetery as may from time to time be approved pursuant to *The Cemeteries Act*.

7. The Director or designate is hereby authorized and empowered to set aside and maintain portions of South Hill Cemetery for the burial of military, the members of

such religious or ethnic groups as may have requested same, children, and cremated remains. The size and location of any such area shall be as determined by the Manager.

8. All fees collected by the City for perpetual care shall be held by the City in a separate fund called the "Perpetual Care Fund" and shall be invested in accordance with the provisions of *The Cemeteries Act*.

LICENSES

9. Plots are available for purchase in the following sections:

- (a) Ukrainian Greek Catholic
- (b) Ukrainian Greek Orthodox
- (c) Protestant and Stillborn
- (d) Protestant
- (e) Veterans
- (f) Protestant Property
- (g) Roman Catholic General
- (h) Roman Catholic Children
- (i) Roman Catholic Soldier
- (j) Protestant Soldier
- (k) Old Presbyterian
- (l) Old City Cemetery
- (m) Hebrew
- (n) Freeground
- (o) General

10. Plot sizes are as follows:

- (a) Standard – 4' x 8'

- (b) Cremation – 4' x 4'
- (c) Children's – 4' x 5' and 3' x 6' depending on area
- (d) Infant/Stillborn – 4' x 4'
- (e) Columbaria Niche – 12' x 12' x 12'

11. Any person may purchase a plot or niche in South Hill Cemetery, upon application to the Community Services Department and payment of the appropriate fees, which shall, in all cases, include a fee for "perpetual care".

12. Licenses for plots or niches shall be allocated and sold to members of the general public on a "first-come, first-serve" basis, provided that the purchaser agrees to adhere to all relevant bylaws.

13. The Cemetery Foreman may consider requests for specific plots or plots in specific locations by persons provided that:

- (a) the request does not disrupt the Cemetery's maintenance and operating plans; and,

- (b) in case of dispute, the Directors decision shall be final.

14. Established not-for-profit groups or organizations (including without limitation ethnic, religious or members of the Canadian Armed Forces) may request to have a number of plots allocated without advance payment in specific areas of the Cemetery, subject to the provisions of this section.

- (a) The location and size of the area shall be subject to the following criteria:

- i. the graves are not currently needed by members of the general public;

- ii. the number of graves shall be based on the demonstrated and reasonable expected need for the projected remaining years of available graves at the Cemetery;
- iii. the request does not disrupt the maintenance and operating plan of the Cemetery;
- iv. the area has not previously been allocated to another group; and
- v. in case of dispute, the Cemetery Foreman's decision shall be final.

(b) When the Cemetery is sold out of plots to the general public, and some of the allocated plots are unused, the plots may, in the discretion of the Director, be re-allocated for sale to the general public.

(c) Designated cemetery areas may not be used to discriminate against any individual if that individual meets the eligibility requirements and complies with the interment practices for the area as approved by the Cemetery Foreman.

(d) Family columbarium or mausoleum shall only be permitted in areas designated for this by the Director or their designate at South Hill Cemetery.

15. The purchaser of a license shall have the right to use the plot for the burial of human remains in accordance with the provisions of this bylaw and such Cemetery Regulations as may, from time to time become in effect; and shall acquire no other rights whatsoever.

16. The purchaser of a license or his legal representative may, without the exchange of consideration or value, transfer the plot to a member of his family, or return the plot

to the City; both subject to compliance with such Cemetery Regulations as are then in effect.

17. The fees for plot purchases, interments, perpetual care and the charges for work done or services rendered at the Cemetery shall be set out in the Cemetery Regulations.
18. No person or organization may purchase more than eight (8) plots or niches without Council's prior documented approval.
19. Any person may purchase a License for use in the future with the exception of Licenses within the Children's Section and the Veteran's Section.
20. Whenever application for a License is made for a plot, the allotment shall be made only with the approval of the Director or his/her designate.
21. The Director is hereby authorized and empowered to recover unused plots in accordance with the provisions of The Cemeteries Act.
22. It shall be the responsibility of the Licensee to maintain a current address for service in the office of the Director. Direction to that effect shall be so noted on the License.
23. A License for a plot in the Hebrew Section shall be administered in accordance with any agreements pertaining to the City's administration thereof.
24. A License for a plot in the Ukrainian Greek Catholic Section shall be administered in accordance with any agreements pertaining to the City's administration thereof.
25. Double Depth Plot Licenses are available for plots that will be deepened with the first interment and will eventually hold two (2) traditional burials. If a Double Depth

Plot License has been purchased and the Licensee decides against deepening before the first interment has occurred, the cost difference from the Double Depth Plot License to the Adult License will be deducted from the interment fee of the first burial. No Double Depth Plot License Fee will be reimbursed once a deep interment has occurred.

26. Any person can request to have cremains scattered within a scattering plot designated by the Cemetery Foreman, however, no license is charged or awarded for this plot as it holds multiple scatterings.

27. The only interments permitted in the Veteran's Sections shall be those persons who at the time of their death were:

(a) Serving members of the Canadian Armed Forces, veterans of the Canadian Armed Forces, allied veterans of the Second World War or Korean Conflict, or;

(b) Serving or past members of the Royal Canadian Mounted Police, or those members of the Prince Albert Police Service killed in the line of duty, and;

(c) In all cases shall include the spouse of persons referred to in (a) and (b).

28. Veteran plots will be provided by the City free of charge to any of the persons mentioned in Clause 21, however, all Veteran's plots must be marked with a DVA Monument.

(a) DVA monuments are tendered out to a contractor by the City of Prince Albert; therefore, the total cost of the monument is compiled into one fee known as the Veteran's License Fee as set out in the Cemetery Regulations.

29. A person may purchase a niche from the City by paying the applicable license fee in accordance with the Cemetery Regulations.

(a) The niche shall only be used for the storage of ashes of human remains. Only immediate family members may use the same niche.

(b) Inscriptions may be made only on the exterior granite of the niche.

FREE PLOT

30. There shall be no special section within the Cemetery reserved for the interment of unclaimed bodies or indigent persons, however the Director may issue an order for the interment of unclaimed bodies or an indigent person within the Cemetery and the Director shall provide an indigent plot for the purpose of the said interment free of charge. No license shall be issued for an indigent plot.

STILLBORN, SMALL CHILDREN AND COMMON PLOTS

31. Stillborn infants and infants being one (1) month of age and younger with a casket measuring less than twenty-four (24) inches in length may be interred within the Stillborn and Children's Sections.

32. When agreed to by the parents, the body of a child less than one (1) week old or a stillborn may be interred in a Common Plot to contain, when complete, eight (8) bodies, extremities or cremains. No License shall be given for such plot.

33. Traditional interments of stillborn and children are not required to have a vault.

34. Should a person choose to inter the body of a child less than one (1) week old or a stillborn in a plot which is not a Common Plot in the Children's or Stillborn

Section, then the License Fee will be the Stillborn/Infant License Fee as specified in the Cemetery Regulations.

PERPETUAL CARE

35. All plots in the South Hill Cemetery shall be entitled to perpetual care.
36. All monies received from the licensing of plots in the South Hill Cemetery shall be paid into an account of the Community Services Department of The City of Prince Albert known as "The South Hill Cemetery Maintenance Account", and such value shall be used to offset the cost of maintenance at the South Hill Cemetery.
37. The cost of any license purchased after January 1st, 2019, shall include the appropriate Perpetual Care Fee as set out in the Cemetery Regulations.
38. After January 1st, 2019, no subsequent interment shall be permitted in an occupied plot, including of cremated remains, where there has been no Perpetual Care Fee paid; however, subject to Section 48, subsequent interments in a plot will be permitted so long as the appropriate Perpetual Care Fee as set out in the Cemetery Regulations has been paid.
39. The fees for a license to use a plot or niche shall include payment of Perpetual Care; however, the City shall not be bound to expend on any grave in any year an amount greater than the annual interest earned on the amount paid for Perpetual Care.

SURRENDER OF LICENSE

40. The purchaser of a plot or his legal representative may transfer the license to a member of his family, or interested party; both are subject to compliance with such Cemetery Regulations.

41. The Licensee may also transfer an unused Plot License back to the City of Prince Albert. The City shall refund to the Licensee the original purchase price less the Administration Fee for Transfer/Sale of a Plot specified in the Cemetery Regulations.
42. Every transfer of interest in a Cemetery Plot subsequent to the original sale shall be made by request of the Licensee or their legal representative to the Director of Community Services.
- (a) All requests must be received as a written notice containing the description of the Plot, the date of the sale/transfer, and the name and address of the Licensee as well as the Transferee.
 - (b) Upon receipt of such notice, the City will register the transfer and update the plot record with the name and address of the transferee.
43. Transfer or sale of any Plot License shall be subject to an Administration Fee for Transfer/Sale of a Plot as specified in the Cemetery Regulations.
- (a) The Administration Fee may be waived by the Director if the original License price, less the Administration Fee, results the Licensee owing the City money.
44. Whenever human remains in a Plot are disinterred from the Cemetery, the License to the Plot may be sold back to the City, and the City shall refund the Licensee the original purchase price of the Plot less the Administration Fee for Transfer/Sale of a Plot in the Cemetery Regulations.
- (a) Any existing monument(s) must be removed from the returned plot by the client at their cost.

45. If human remains are transferred from one Plot to another Plot within the South Hill Cemetery, the original price paid for the License may be applied toward the cost of the new Plot License or the cost of the disinterment as set out in the Cemetery Regulations. The original plot will be released and transferred back to the City of Prince Albert for resale.

(a) Any existing monument(s) must be removed from the original plot by the client at their cost.

(b) If the client wishes to install a monument on the new plot, a Monument Permit must be obtained for the new marker.

INTERMENTS & DISINTERMENTS

46. No interment shall be made until the Cemetery Foreman has been provided with a legal Burial Permit and proper notice of interment or disinterment has been given to the Director or their designate.

47. All interment or disinterment arrangements must be made by phone or in person with the Community Services Department at City Hall. Final prices will be as set out in the City's final invoice, and are subject to change with any change in service request. Funeral businesses do not have authority under any circumstances to act as agent for the City to communicate pricing or price quotations, or for any other purpose, and the City shall not be responsible for any error or misquoted costs communicated by the funeral home to any client.

48. The use of any unused or occupied plot or niche must be authorized in writing by the Licensee, executor or that person's authorized decision-maker. The Cemetery Supervisor may request proof of purchase to identify the Licensee of the plot or niche or to prove the right to use the plot or niche.

49. The number and type of burials permitted in any one grave shall be as set out in the Cemetery Regulations then in effect.
50. No burial or disinterment may be permitted unless proper notice as specified in Sections 52 and 53 of this Bylaw have been given, and the appropriate fees and charges have been paid in accordance the Cemetery Regulations.
51. All burials and disinterment shall be carried out in accordance with the Cemetery Bylaw and Regulations then in effect, and shall be subject to the supervision and direction of the Cemetery Foreman.
52. During the period from November 1 to April 30 of each year, notice for interment or disinterment must be given to the Director or their designate at least forty-eight (48) hours prior to the time in which the interment or disinterment is to take place.
- (a) The forty-eight (48) hours' notice provided must be given at a time which would give the City at least sixteen (16) regular working hours for the purpose of opening and preparing the plot in question.
 - (b) For the purpose of this subsection, "regular work hours" shall mean the time during which the Foreman and the staff are on duty in connection with the regular work in or about the Cemetery.
53. During the period from May 1 to October 31 of each year, notice for interment or disinterment must be given to the Director or their designate at least twenty-four (24) hours prior to the time in which the interment or disinterment is to take place.
- (a) The twenty-four (24) hours' notice provided must be given at a time which would give the City at least eight (8) regular working hours for the purpose of opening and preparing the plot in question.

(b) For the purpose of this subsection, "regular work hours" shall mean the time during which the Foreman and the staff are on duty in connection with the regular work in or about the Cemetery.

54. If proper notice is not provided, the Short Notice Booking Fee in accordance the Cemetery Regulations will be charged to the client in addition to current interment fees.

55. Interments and disinterment's taking place from November 1 to April 30 of each year will be charged a Winter Fee in addition to the current interment and disinterment fees in accordance with the Cemetery Regulations.

56. If an interment or disinterment is cancelled within the notice times listed above and City services have already rendered, A Short Notice Cancellation Fee as listed in the Cemetery Regulations will be charged to the client.

57. Plot depth for traditional burials shall not be less than two (2) metres from the surface of the ground surrounding the plot.

58. Plot depth for the burial of cremated remains shall not be less than one (1) metre from the surface of the ground surrounding the plot, with the exception of the Columbaria and Scattering Plots. The Cemetery Foreman shall be the only person authorized to inter such cremated remains.

59. In cases where provisions for a deepened plot for the purpose of two (2) burials has been made, the first body must be buried at a depth of at least two and one half (2.5) metres from the surface of the ground surrounding the said grave.

60. A maximum of four (4) interments may be made in a Traditional Adult Plot:

- (a) Two (2) traditional burials plus two (2) cremated human remains, provided that provisions for a deepened plot have already been made, or;
- (b) One (1) traditional burial plus three (3) cremated human remains, or;
- (c) Four (4) cremated human remains.

61. A maximum of three (3) interments may be made in a Traditional Children's Plot:

- (a) Three (3) cremated remains, or;
- (b) One (1) traditional child burial plus two (2) cremated human remains.
- (c) Interments taking place in an occupied Children's Plot will be provided to immediate family members of the original deceased only, and must have been previously purchased and used for a child interment.
- (d) No additional interments shall be permitted in a child grave, excepting interment of cremated remains.

62. A maximum of three (3) interments may be made in an Infant/Stillborn Plot:

- (a) Three (3) cremated remains, or;
- (b) One (1) traditional infant burial plus two (2) cremated human remains.
- (c) Interments taking place in an occupied Stillborn/Infant Plot will be provided to immediate family members of the original deceased only, and must have been previously purchased and used for an infant interment.

(d) No additional interments shall be permitted in an infant grave, excepting interment of cremated remains.

63. All traditional interments, with the exception of children or stillborn burials, will require a vault with the minimum allowed being a City supplied fiberglass vault. A non-City supplied concrete or steel vault will also be accepted but is subject to the Concrete/Steel Vault Handling Fee in accordance with the Cemetery Regulations. Wooden rough boxes will not be permitted.

64. A maximum of four (4) cremated remain interments may be made in a Cremation Plot.

65. The number of interments of cremated remains allowed in a columbaria niche are not restricted in number but in size of the container(s) that can be reasonably accommodated for within the dimensions of the niche in the opinion of the Director of Community Services and/or Cemetery Foreman.

(a) Interment Fees of the initial cremated remains in a columbaria niche are included within the Columbaria Niche License Fee. However, disinterment's or additional opening/closing of a niche after the first interment, such as for the purpose of interring additional cremains or placing special objects in a niche, are subject to the Columbaria Niche Open/Close Fee in accordance with the Cemetery Regulations.

(b) All interments taking place in a niche will be subject to the Winter Fee if snow clearing is required between November 1 and April 30 in accordance with the Cemetery Regulations.

66. Only an indigent person may be interred within an Indigent Plot.

(a) However, immediate family members of the deceased, who are also considered to be an indigent, may be interred into an occupied Indigent Plot at a client's request.

(b) If the client wishes to inter a non-indigent family member into an occupied Indigent Plot they must pay for the said plot at the current license fee in accordance with the Cemetery Regulations.

67. The scattering of cremated remains shall be permitted only in areas defined by the Cemetery Foreman, and subject to any administrative conditions or fees that may be imposed.

68. Except in the case of a person dying of smallpox, cholera, plague or anthrax, or in the case of an epidemic as shall be certified by the Medical Health Officer, or exceptional circumstances through special arrangements with the Director, interments shall be made only between the hours of 9:00 a.m. and 4:00 p.m. during regular weekday business hours and between 9:00 a.m. and 12:00 p.m. on Saturdays.

69. Except in the cases of an epidemic as shall be certified by the Medical Health Officer, or exceptional circumstances through special arrangement with the Director, interments shall not be made on Sunday, Christmas Day, Good Friday, Statutory, Civic or City of Prince Albert Union holidays.

70. No person shall bury any human remains in the City of Prince Albert until such person shall have complied with the provisions of The Public Health Act, The Vital Statistics Act, and The Cemeteries Act of the Province of Saskatchewan.

71. No person shall disinter or remove a body from any plot without first producing a written order from the Licensee of such plot, as well as a permit for such disinterment or removal issued by the Minister of Public Health and a receipt from

the Director showing that the necessary fees have been paid in accordance with rates set out in the Cemetery Regulations. Cremated remains do not require a permit from the Minister responsible for The Public Health Act or any successor legislation.

72. No other interments shall be permitted in a plot provided pursuant to this section until the plot price, set out in the Cemetery Regulations, has been paid.

73. The City's service in connection with disinterments shall include only the opening of the plot down to the top of the casket or urn and then the contracted Funeral Home in charge of the disinterment order shall be responsible for the actual removal of the remains.

(a) Disinterment services will be provided only from May 1 to October 31 of each year.

BORDERS, FENCES, HEDGES, ETC.

74. 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 plot other than for the purpose of operating the Cemetery as authorized by the Director.

75. No tree or shrub shall be planted in the Cemetery except with the permission of the Director.

76. The Cemetery Foreman shall have the authority to remove any article or planting placed, erected, or planted on any grave when not in accordance with the Cemetery Bylaw and/or Regulations or when the same is objectionable.

MONUMENTS

77. No person shall place, erect or remove from any plot, a monument, marker, statue, or object of any kind, except in accordance with the Cemetery Regulations.
78. No person shall place or erect any monument in the Cemetery, or make any alteration to any monument without first obtaining an approved Monument Permit from the Director and presenting such permit to the Cemetery Foreman.
- (a) Monument Permits are not eligible to be approved unless the monument meets the City Specifications as set out in the Cemetery Regulations.
 - (b) The additional engraving of a name and/or date on an existing monument does not require a monument permit.
79. No person shall place or erect in the Cemetery any monument that does not consist solely of imperishable materials. Applied decoration, constructed of plastic, glass, perishable or easily damaged materials are hereby prohibited in the Cemetery.
80. Marble, Limestone, Metal and Concrete monuments are not permitted.
81. No person shall place or erect in the Cemetery any monument of a height extending more than thirty-nine (39) inches above the surface of the ground immediately surrounding the plot.
82. No more than one (1) headstone and one (1) foot marker will be permitted on each plot with the exception of the Veteran's Section where foot markers are not permitted.

- (a) Each plot, with the exception of the Veteran's Section, will be allowed one (1) foot marker not exceeding the dimensions of twelve (12) inches by twenty-four (24) inches.
- (b) Each plot will be allowed one (1) headstone not exceeding the dimensions of twenty-four (24) inches by forty-eight (48) inches, including base and foundation.
- (c) Foot markers must be flush with the surrounding soil surface and located at the foot of the grave.
- (d) In the Veterans Section an additional flat bronze grave marker not larger than eight (8) inches wide by fourteen (14) inches long, may be placed at the base of the upright monument on the existing concrete footing.

83. All free-standing monument foundations shall be constructed of concrete or granite and installed by a contractor under the supervision of the Cemetery Foreman or his/her designate and in accordance with the following requirements unless otherwise specifically permitted in the Cemetery Regulations:

- (a) Pre-cast concrete foundations must be a minimum of four (4) inches thick and constructed of four thousand (4,000) PSI concrete. Foundations made of four (4) inch thick granite with a minimum of 4,000 PSI will be allowed.
- (b) No foundations will be allowed except those that follow City specifications with a minimum size of twenty (20) inches by twenty-four (24) inches and a maximum size of twenty-four (24) inches by forty-eight (48) inches and protrude four (4) inches from all sides of the base of a monument, with the exception of foot markers which are only required to have a two (2) inch border on all sides, and granite markers which are flush with the ground and where a foundation is not required.

(c) No monument bases shall be installed unless constructed of granite only.

(d) Foundations must be installed as level as possible with the existing soil.

84. When any monument is to be installed, the prior written approval of the Cemetery Foreman must be obtained designating the place where the material to be used in connection with the installation is to be stored during the course of the said work.

85. Contractors shall use planks or otherwise protect all existing paths, plots and/or monuments from injury or damage when moving any heavy materials through the Cemetery. All costs in relation to damages caused by an installation or removal of a monument will be the responsibility of the contractor.

86. Niche plates are provided with the purchase of a niche, but the Licensee will need to have any required engraving done by a private contractor.

(a) Monument Permits are not required for the engraving of a niche plate; however the engraving specification as set out in this Bylaw must be followed.

87. Except as specifically provided by this Bylaw, the Licensee or other owner of a monument shall have the right and obligation to preserve, improve, embellish and maintain any monument placed or erected in the Cemetery under the terms of a Monument Permit issued pursuant to this Bylaw.

88. The City will not provide any foundation, installation or engraving services for monuments within the Cemetery, with the exception of the pre-poured concrete footing provided in the Veteran's Sections.

89. Subject to Section 78, a permit may be granted in the discretion of the Director for the installation of a monument on a Common Plot provided that the Common Plot has no previous monument.

(a) The client will be responsible for paying the Indigent Fee, which is fifteen percent (15%) of the current plot fee, as well as the Monument Permit Fee as set out in the Cemetery Regulations.

(b) The client will also be responsible for choosing the type, style, and size of the monument; however the Monument must meet all monument specifications and provide equal space for the names of all individuals interred within the said Common Plot.

90. No one may install a monument on a burial plot utilized for the interment of an indigent person or on a Common Plot until the Indigent Fee as set out in the Cemetery Regulations has been paid in addition to the Monument Permit Fee.

91. The City shall not be liable for the loss of or damage to any monument, marker, or other object or planting located in the cemetery.

92. The City may permanently move or remove any monument or marker from any plot where proper permits were not obtained, or where the monument contravenes the provisions of this Bylaw or the Cemetery Regulations, and shall be entitled to recover from the deceased's estate or any responsible party all costs thereby incurred.

93. The City may temporarily move or remove any monument or marker for the purposes of performing necessary maintenance and/or for the opening/closing of plots.

MONUMENTS IN DISREPAIR

94. Unless caused by the negligence of the staff or hired contractors of The City of Prince Albert, the Licensee or owner of any monument placed or erected in the Cemetery under the terms of a Monument Permit shall be responsible for the maintenance and improvement of any monument or like structure.
95. In the event that any monument or other like structure in the Cemetery be damaged or deemed by the Cemetery Foreman deteriorated beyond reasonable repair, the Director may provide notice in writing to the Licensee or other owner of the said monument, directing that the monument be removed from the Cemetery within the time specified in the said notice.
96. If the Licensee wishes, within the time limit specified in the notice referred to in Section 95, they may request a Monument Permit from the Director to perform stipulated alterations, replacement or repairs to the said monument within a specified time.
97. In the event that any Licensee or owner of a monument neglects or refuses to comply with the terms of a notice referred to in Section 95, or if any monument, fence or other structure is erected, repaired or altered without a proper Permit from the Director, the Director shall have and is hereby given full power to arrange removal of such monument, fence or other structure from the Cemetery at the expense of the Licensee or the owner of the monument which may be recovered as a debt in a court of competent jurisdiction.
98. Any notice required by this bylaw or the Cemetery Regulations to be given to any person shall be deemed sufficient if provided in writing and mailed postpaid or registered mail to the last known address of the responsible person as entered in the records of the Cemetery.

HOURS OF OPERATION

99. The minimum hours of operation shall be as follows unless otherwise provided for in the Cemetery Regulations:

(a) Administration Office Hours:

Monday to Friday.....8:00 a.m. to 4:45 p.m.
Saturday, Sunday and Statutory Holidays.....Closed

(b) Community Services Office Hours:

Monday to Friday.....7:30 a.m. to 5:00 p.m.
Saturday, Sunday and Statutory Holidays.....Closed

(c) Interment Hours:

Monday to Friday.....9:00 a.m. to 4:00 p.m.
Saturdays*.....9:00 a.m. to 12:00 p.m.
Sundays and Designated Holidays*.....Emergency Only

*Saturday interments will incur a Saturday Fee, and Sunday and Designated Holiday interments will incur a Sunday and Public, Civic, and Union Holiday Fee in accordance with in the Cemetery Regulations.

(d) Disinterment Hours (May 1 to October 31):

Monday to Friday.....9:00 a.m. to 4:00 p.m.

100. Interments outside of these hours may be approved at the discretion of the Cemetery Foreman; however, additional fees shall apply as identified in the schedule of fees and charges in the Cemetery Regulations.

GENERAL CONDITIONS

101. All funeral processions shall be under the control and supervision of the Cemetery Foreman while they are within the limits of the Cemetery.
102. All items placed in the Cemetery by the public shall be at their own risk. The City accepts no responsibility for any damaged or missing items.
103. The City may in the discretion of the Cemetery Foreman plant and remove any perennial flowers, shrubs and trees and to landscape or carry out any improvements to the grounds.
104. Only approved monuments, or approved parts thereof are considered permanent items and are permitted to remain in the Cemetery year-round.
105. Artificial flowers, decorations, wreaths or natural flowers that are secured in vase or bound with metal wire are permitted on plots from November 1 to April 1 but are not permitted at any other time except for the purpose of burial ceremonies, at which time such flowers and/or wreaths are permitted for a period of seven (7) days following the said burial. After the expiration of the seven (7) days, it shall be the duty of the Cemetery Foreman to remove and destroy all such flowers, decorations and/or wreaths.
106. All vases must be turned down and all flowers must be picked up and removed from the cemetery on or before October 1st of each year or they will be disposed of by Cemetery Staff.
107. Any artificial flowers, potted plants, perennials, lawn-edging, non-natural/such items, which includes but are not limited to the following: solar lights, chimes, rocks, stepping stones or other decorative items are considered temporary and are removed and disposed of weekly by the City.

108. The Cemetery Foreman may remove any weeds, wilted flowers, floral pieces or any other articles or things which, in their opinion, are unsightly or which are considered to be an obstacle to convenient and safe mowing of the grass.
109. The City shall not be liable for any loss or damage occasioned by any person as a result of the removal of any memorial or memorialization, or for any disposal of any memorial or memorialization.
110. No person shall give money or other reward to any employee of the City working in connection with the Cemetery for Cemetery services or attention, and no employee of the City shall accept any money or reward in connection with Cemetery Services other than the payment of fees to the Director as required by this Bylaw or the Cemetery Regulations.
111. All material brought into the Cemetery to be used in improving any plot shall be transported and deposited in the Cemetery at the direction of the Cemetery Foreman, and all earth, wood or rubbish remaining after such improvements shall be removed, or shall be deposited at a suitable location in the Cemetery under the direction of the Cemetery Foreman, by the person who provided the said improvements.
112. Salutes involving the discharge of firearms shall be permitted only for military funerals and provided that the Cemetery Foreman is notified in advance. Any use of live ammunition must be approved by the Chief of Police for the City.
113. No child under the age of twelve (12) years shall be admitted to the Cemetery unless accompanied by an adult.
114. Vehicles in the Cemetery shall keep to the driveways provided and shall not travel at a greater speed than twenty (20) kilometres per hour.

115. No person shall engage in or carry on any game, sport or other activity, or operate any motor vehicle, or bring an animal within a cemetery except in accordance with the Cemetery Regulations.
116. No private advertising of any kind shall be permitted in the cemetery.
117. All staff employed on any work in the Cemetery shall comply with the orders and directions of the Cemetery Foreman, who shall be under the direction of the Director.
118. All Cemetery staff and equipment shall be relocated as needed from the vicinity of a burial ceremony to ensure that they do not cause interference with the said ceremony. This action is to be directed by the Cemetery Foreman.
119. City Council may reserve from use any portion of the Cemetery which, in its opinion, is undesirable for the purpose of burial because of location or contour.
120. No person owning or having care of a dog or cat shall allow the dog or cat entry within the Cemetery, with the exception of registered service animals.

PENALTIES

121. Every person who contravenes any provision of this Bylaw is guilty of an offence and liable on summary conviction to a fine of:
 - (a) Not less than one hundred dollars (\$100.00) and not more than two thousand dollars (\$2,000.00) in the case of an individual;
 - (b) Not less than two hundred dollars (\$200.00) and not more than five thousand dollars (\$5,000.00) in the case of a corporation.

122. All fines, penalties and forfeitures mentioned in this Bylaw may be recovered and enforced with costs by summary conviction before a judge and, in default of payment; the person convicted may be imprisoned for a term of not more than ninety (90) days, unless the fine or penalty is paid sooner.
123. This Bylaw may be enforced, and the contravention of any provision of the Bylaw restrained, by any court on action brought by the City of Prince Albert, whether or not any penalty is imposed for the contravention.
124. Conviction of a person for a contravention of any provision of this Bylaw does not relieve him from compliance with the Bylaw, and the convicting judge or justice of the peace shall, in addition to any fine imposed, order the person to perform, within a specified period, any act or work necessary for the proper observance of the Bylaw or to remedy the contravention of the Bylaw.
125. A person who fails to comply with an order made pursuant to subsection (d), within the period specified in the order, is guilty of an offence and liable on summary conviction to a fine of not more than two hundred and fifty dollars (\$250) for each day during which the failure continues, to imprisonment for a term of not more than ninety (90) days, or to both such fine and imprisonment.


COMING INTO FORCE

126. Where there is a conflict between the provisions of the Bylaw and the provisions of these Specifications or any other legislation, the most restrictive provision shall prevail.
127. That Bylaw No. 17 of 2016 and all amendments be repealed.
128. This Bylaw shall come into force and take effect from and after the final passing thereof.

INTRODUCED AND READ A FIRST TIME THIS 22nd DAY OF October, AD 2019.
READ A SECOND TIME THIS 22nd DAY OF October, AD 2019.
READ A THIRD TIME AND PASSED THIS 22nd DAY OF October, AD 2019.



Mayor



City Clerk