

VILLAGE OF DRAKE BYLAW 2023-03

A BYLAW OF THE VILLAGE OF DRAKE, IN THE PROVINCE OF SASKATCHEWAN TO PROVIDE REGULATIONS FOR THE USE, CARE AND MAINTENANCE OF THE DRAKE CEMETERY

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

Title

This bylaw may be referred to as the "Cemetery Bylaw".

I. DEFINITIONS

1. **ADMINISTRATOR** – shall mean the Village Administrator appointed by the Village Council and for the purposes of this Bylaw shall include any person appointed by the Administrator from time to time, to act on his/her behalf in the administration of this Bylaw.
2. **CEMETERY**- Shall mean land owned by the Village of Drake set apart for or used as a place for the interment of the dead or in which human bodies have been buried,
*All that portion of : SE 14-32-22-W2
Commencing at the Northwest corner of said Quarter Section thence South along the West Boundary thereof Two Hundred and Twenty-nine (229) feet thence East parallel to the North Boundary of said Quarter Section One Hundred and Ninety (190) feet thence North Parallel to said West boundary to a point in the North Boundary of said Quarter Section thence west along the said North Boundary to the point of commencement.*
3. **BASE** - Shall mean the bottom part or lower portion of a monument.
4. **BLOCK** - A division of land in a cemetery which is subdivided into plots. In the case of the Village of Drakes' cemetery there are four blocks. In each block
 - Old Part Map NE #’s 1 – 4, 13 – 20, 29 -30
 - Old Part Map NW #’s 5 – 12, 21 – 28, 37 – 40
 - New Part Map SW A – E
 - New Part Map SE F - J
5. **BURIAL** - means the interment of human remains or cremated human remains in a grave;
6. **CARETAKER** - Shall mean the person, persons, contractor or employee of the Village, responsible for the care and maintenance of the cemetery.
7. **COUNCIL** - Shall mean the Council of the Village of Drake.
8. **CREMATED REMAINS** - Shall mean the ashes of a cremated human body.
9. **DISINTERMENT** - means the removal and relocation of human remains;
10. **GRAVE** – means a grave approximately 2 meters in depth.
11. **GRAVE COVER** – means a cover of fiberglass, plastic, marble, granite or concrete etc. placed over the interred remains.
12. **GRAVE MARKER** – means a flat or upright marker bearing the name of the interred deceased person for memorial purposes.
13. **GRAVESTONE** – means upright marble, granite, stone or concrete monument erected on any lot or lot for memorial purposes.
14. **LICENSEE** - Shall mean a person or persons who purchase a lot or plot in the cemetery.
15. **LOT** - Shall mean a parcel of land in the cemetery which is comprised of two or more plots and is to be utilized solely for the interment of human remains or ashes.
16. **MARKER** - Shall mean a memorial that is installed with the top (upper surface) flush or level with the ground.
17. **MEDICAL HEALTH OFFICER** - means the Medical Health Officer or designate and shall include the Senior Public Health Inspector and anyone under the instructions of the Medical Health Officer for the Health Region containing the Town of Leader; in carrying out this Bylaw;
18. **MONUMENT** - Shall mean a memorial or tombstone which shall extend above the surface of the ground.
19. **NON-RESIDENT** - Shall mean a person who does not reside in the Village of Drake
20. **Old Part and New Part** - Shall mean the cemetery is divided into two large sections. **There will no longer be sales of plots in the Old Part of the cemetery.**
21. **PERPETUAL CARE** - Shall mean the basic maintenance of all lots and shall include leveling of the ground and seeding, cutting of grass as required. It shall not include the maintenance, repair or replacement of monuments or markers.
22. **PLOTS** - A sub-division of land for the purpose of a single burial in the cemetery as shown on the municipal plan thereof. **Each plot will be 5 ft x 10 ft**
23. **RESERVED** - Shall mean reserved in the name of the person or persons who purchased a license.
24. **RESIDENT** - Shall mean a person who is a resident of the Village of Drake.

II. GOVERNING LEGISLATION

The Cemeteries Act prevails in all circumstances where there might arise a conflict between the Act and The Cemetery Bylaw.

III. GENERAL RULES

1. Employees of the Village of Drake are not permitted to do any work for plot owners except upon order from the Administrator but are required to be civil and courteous to all visitors.
2. All persons, while in the cemetery, shall conduct themselves in a quiet and orderly manner.
3. No person shall turn loose or allow to go at large, or feed; any cattle, swine, horses, dogs, or any other animal in the cemetery.
4. No person shall disinter human remains except in accordance with the regulations as described in the Cemeteries Act and with authorization of the Village Administrator
5. Whenever a body is permanently disinterred from a grave and the grave is vacated, ownership of the plot shall revert to the Village.
6. Purchase of a plot is with the understanding that all rules and regulations in effect at the time of purchases and any that may be passed, or amended at a later date are to be followed.
7. Persons visiting the cemetery shall use only the avenues, roads, walks, and alleys, and no one is permitted to walk upon or cross lots or plots unless it is necessary to do so to gain access to one's own lot or plot. The cemetery expressly disclaims liability for any or all injuries sustained by anyone violating this rule.
8. Persons visiting the cemetery or attending a funeral are strictly prohibited from picking flowers, wildflowers, wild or cultivated, breaking, or injuring any tree, shrub, or plant, or from writing upon, defacing, or otherwise damaging any monument or marker fence or other structure within the cemetery grounds.
9. Motor cars and vehicles in the cemetery are prohibited. Funeral directors Hearse and or Vehicle is permitted.
10. After passing of this bylaw, any fences, borders, railing, curbing, coping, hedges, trellis or grave coverings of any kind erected previous to the passing of this bylaw may be removed by the Village if by reason of neglect or age, it becomes in a state of disrepair and the Licensee neglects or refuses to repair or remove same within 30 days after a notice has been forwarded to him/her at the last known address.
11. The Village of Drake, hereby expressly reserves the right to adopt additional rules and regulations or to amend, alter or repeal any rule, regulation, article, section, paragraph or sentences in these rules and regulations at any time without notice.
12. Out of respect, all work of any description shall cease while a funeral or interment is being conducted nearby. All trucks and workmen shall withdraw to a reasonable distance from the location for the funeral service.

LOTS AND PLOT OWNERS

1. The Village shall make all sales of lots and plots in the cemetery and receive all monies resulting from the sale of lots and plots, and for all interments made in the cemetery.
2. The Village shall keep a correct account of all moneys received there from and of all expenditures made in connection with the cemetery, with the name and description of each lot 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 transactions by him/her in connection with the cemetery.
3. The Village of Drake may grant a license to any person for the exclusive use by him, his heir, his executors, or Administrator of any lot or plot, said Licensee to be subject to all provisions of this bylaw and any amendments thereto, or any regulations passed from time to time by the Council.
4. A grave may be used for the burial of one casket and one urn (cremains) or two urns.
5. Cremains may be interred in an individual plot of the cemetery or in an occupied grave at a minimum depth of 0.8 meters (2.5 feet)
6. The fee for the said license and all charges for work done at the cemetery shall be in accordance with the rates set out in Schedule "A" to this bylaw or as the schedule may be amended from time to time by resolution of Council.
7. Upon purchase & completion of Schedule "B" attached, and forming part of this Bylaw, the plot will be reserved for a period of 25 years, after the date of purchase. At the expiration of 25 years the municipality shall contact the licensee at their last known address to determine if they desire to renew the reservation at no extra charge. If, after using every possible means to contact the party or his/her heirs, the Village fails to establish contact, the Village may, by publishing notice in two (2) issues of a local newspaper, cancel the reservation and make it available to the public.
8. A licensee wishing to transfer ownership rights back to the Village may do so by making a written application to the Village. Refund will be given to lots or plots that have been reserved.
9. A License for the use of a lot/plot issued hereunder may be transferred between immediate family members only.
10. Lots or plots shall be used solely for the internment of human remains or ashes.

11. The Village of Drake shall take reasonable precautions to protect Licensees and the property rights of Licensees within the cemetery from loss or damage; but the Council or its employees distinctly disclaim all responsibility for loss or damage from a cause beyond its reasonable control, and especially from damages caused by the elements, an act of God, common enemies, thieves, vandals, strikes, malicious mischief makers, explosions, unavoidable accidents, invasions, riots, or order of any military or civil authority, whether the damage be direct or collateral other than as herein provided.
12. It is the duty of the Licensee to notify the Village of any changes in his or hers Post Office address.

V. INTERMENTS AND DISINTERMENTS

1. No interment shall be made in the cemetery until the provisions of the Public Health Act and Vital Statistics Act of the Province of Saskatchewan have been complied with, and with any regulations issued there under and also, shall have complied with the provisions of the Bylaw. No interment shall be permitted in the cemetery unless a proper burial certificate is produced by the party applying for the burial.
2. Before an interment is made in any grave, an application in writing shall be made to the Village of Drake and all fees for services as set forth in Schedule "A" shall be paid by the applicant.
3. Payment of any and all indebtedness due to the cemetery must be made before any interment is made.
4. Two Urns shall be allowed in standard size plots providing the Two urns are well marked.
5. Cremated remains may be interred in a lot after receiving authorization from the Village and upon payment of the fees set out in Schedule "A" attached.
6. It shall be the duty of the Village of Drake to stake a lot before digging.
7. No grave shall be less than 2 meters in depth from the surface of the ground in the case of an adult, and in the case of a child, a depth sufficient to give a covering of at least one meter over the casket.
8. No person other than a funeral director shall have charge of the interment of any human body.
9. Notice that an interment is to take place shall be given to the Village at least days before the interment is to take place. This shall not apply in the case of a person who dies of a communicable disease.
10. No person shall disinter or remove a body from any grave without first producing a written order from the Licensee of such grave and a permit for such disinterment or removal, from the Provincial Health Officer.
11. Graves shall be dug, and interment made only by persons employed by the Council and no person or persons not under the control or employment of the caretaker shall open any grave for the purpose of interring or removing a body.

VI. CARE FOR LOTS AND PLOTS

1. To obtain the best landscape effect, it is essential that the Council assume general care of the cemetery. The Licensee of graves shall observe all rules and regulations passed from time to time by the Council for keeping the graves in order.
2. All grave surfaces are to be under the supervision of the Village of Drake.
3. A Licensee desiring additional care of their lot or plot may arrange for such care by contacting the Administrator who will obtain an estimate of the cost of the work desired.
4. No person shall be permitted to do any work on any grave except with the consent of the Village
5. The Employee or in some cases, Caretaker shall, from time to time, report to Council and Licensee on the condition of any monument or marker which is in disrepair, and it shall be the duty of the owner of such monument or marker to repair the same, without delay to the satisfaction of the Employee.
6. Whenever any owner of a monument or marker or cover neglect to make repairs or alterations, after being given due notice by the Administrator, the Administrator shall allow a period of 30 days to elapse after which time, he/she shall have the power to remove such monument or marker from the cemetery, or to repair such monument or marker and charge the cost thereof to the Licensee.
7. No person shall remove the sod from a grave or plot, or from any portion of a grave or plot in the cemetery without first obtaining written consent from the Village.
8. Borders, fences, rocks, planters, or planting flowers, shrubs or trees are not permitted.
9. Any Fence, Border, Railing, Wall, Curbing, Hedge, Posts, Trellis, or Grave Coverings of any kind erected previous to the passing of this Bylaw may be removed by the Village, if by reason of neglect or age, it becomes in a state of disrepair and the Licensee neglects or refused to repair same within 30 days after notice has been forwarded to him at his last known address.
10. The Village shall have the authority to remove all floral designs, flowers, weeds, trees, shrubs, plants, or herbage of any kind from the cemetery as, in the judgement of the the Village of Drake, they become unsightly, dangerous, detrimental or diseased.
11. The Village of Drake shall not be responsible for frozen plants or herbage of any kind or for planting damaged by the elements, thieves, vandals or other cause beyond their control.
12. If any trees, shrubs or plants situated on any plot or part thereof shall become in the opinion of the Village by means of its roots or branches in any way detrimental to any adjacent lot or plot, path, or driveway, or to the general appearance of the cemetery or dangerous or inconvenient to the public, the Village shall have the power to remove any such trees, shrubs, or plants or part thereof.
13. No trees or shrubs located on any grave or lot shall be cut down or trimmed except by permission of the

Village.

14. The Village is responsible for the general care of the entire cemetery. The Village will undertake to maintain, as may be practical, the planting of trees and shrubs to preserve and maintain landscape features but will not undertake to maintain individual planting or urns of plants.
15. No person shall give money or other reward to any employee of the Village working in connection with the cemetery, for cemetery services or attention.
16. Relatives are responsible for the upkeep and repair of headstones.

VII. MONUMENTS, MARKERS, OR COVERS

1. Grave covers are not permitted in any section of the Cemetery from the Date of this Bylaw coming into force.
2. The location of plots must be marked by village employees before placement of any grave markers.
3. Grave markers shall be placed at the head of the grave. The Village reserves the right to request that any monument installed improperly be corrected by the registered installer of the marker.
4. Any group, individual or company wishing to install a marker or monument must first acquire permission for installation from the Village.
5. The length of the base of a monument shall not exceed 75% of the width of the lot or plot.
6. All workmen employed on any work in the cemetery shall comply with all orders from the Administrator
7. Heavy loads will not be allowed to enter the cemetery when the roads are in an unfit condition.

VIII. BURIAL OF DESTITUTE PERSONS OR UNCLAIMED BODIES

At the request of the Minister of Social Services or the Minister of Public Health, the Village of Drake shall furnish graves in the cemetery without charge for the dead of indigent poor of any denomination. The burial shall take place in single graves as designated by the Administrator and there shall be no choice as to the location of the grave plot.

IX. CORRECTION OF ERRORS

The Village or any Official thereof shall not be responsible for any mistakes resulting from the lack of precise or proper instructions regarding the grave space on a plot where an interment is to be or has been made.

X. ENFORCEMENT OF RULES

The Administrator is hereby empowered to enforce all rules and regulations and to exclude from the cemetery, any person violating same. The Village shall have charge of the grounds and buildings including the conduct of funerals, traffic, employees, and grave owners at all times.

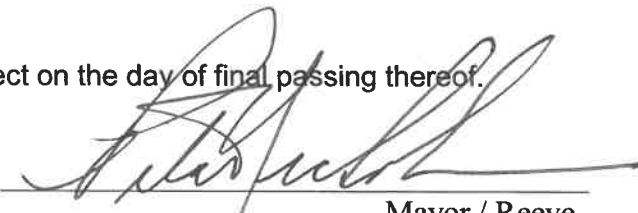
XI. THAT Bylaw 2/2020 be REPEALED.

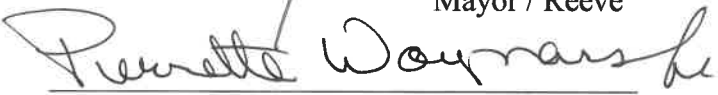
Effective Date

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




CANADA



Mayor / Reeve


Administrator

Read a third time and adopted
this 12 day of July, 2023



Administrator

SCHDEULE "A"
TO BYLAW 2023-03
SCHEDULE OF RATES & FEES

COST OF PLOTS: ** NO GST TO PURCHASE**

RESIDENT FEES

\$300.00 Standard Plot 5ft x 10ft

NON-RESIDENT FEES

\$400.00 Standard Plot 5ft x 10ft

COST FOR OPENING AND CLOSING A PLOT:

SUMMER (May 1st to October 31st)
\$50.00 Cremation Plot

WINTER (November 1st to April 30th)
No services during these months

****ADDED RATES OPENING AND CLOSING ON WEEKENDS OR STAT. HOLIDAYS****
\$100.00 flat rate

EXHUMATION:
10

**SCHEDULE "B"
TO BYLAW 2023-03
PLOT RESERVATION FORM**

DATE: _____

PLOT PURCHASER FULL NAME: _____

CIVIC ADDRESS: _____

MAILING ADDRESS: _____

PHONE NUMBER: _____

EMAIL ADDRESS: _____

NEXT OF KIN

FULL NAME	MAILING ADDRESS	PHONE NUMBER

PLOTS BEING RESERVED FOR:

FULL NAME	MAILING ADDRESS	PHONE NUMBER

BLOCK (SE, SW, NE, NW)	LOT (Column Letter)	PLOT Number

SIGNATURE: _____

PRINT NAME _____

OFFICE USE		
EXPIRY DATE OF PLOT PURCHASE: _____		
RECEIPT #: _____ AMOUNT: \$ _____		
Extra Information:		
Map (SE, SW, NE, NW)	Excel Cemetery Map	