

TOWN OF OUTLOOK

BYLAW No. 11 (2023)

A BYLAW OF THE TOWN OF OUTLOOK TO PROVIDE FOR THE MANAGEMENT, CONTROL AND REGULATION OF THE TOWN OF OUTLOOK CEMETERY

The Council of the Town of Outlook in the Province of Saskatchewan enacts as follows:

SECTION:

1. CITATION

This Bylaw may be cited as "The Town of Outlook Cemetery Operations Bylaw".

2. GOVERNING LEGISLATION

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

3. DESCRIPTION OF CEMETERY

The following land is hereby declared to be a Cemetery of the Town of Outlook and shall hereafter be known as "Outlook Cemetery", namely: 10 Acre Parcel 21, Plan AL169 Ext 1 NE 21-29-08-W3rd Parcel Number # 119776472

4. DEFINITIONS

In this Bylaw, unless the context otherwise requires expression,

- a) **"Base"** refers to the optional bottom portion of a monument that rests between the monument and the foundation,
and is made of granite or marble;
- b) **"Burial"** means the interment of human remains or cremated human remains in a grave;
- c) **"Caretaker"** means the person appointed by the CAO to be in charge of the day-to-day operations of the Cemetery.
- d) **"Cemetery Clerk"** means the person appointed by the CAO to be in charge of the administrative duties of the Cemetery;
- e) **"Cemetery"** means the Cemetery of the Town of Outlook established pursuant to Section 2 of this bylaw and operated in accordance with the Act by and under control of the Town;
- f) **"Chief Administrative Officer"** means the Chief Administrative Officer (CAO) of the Town of Outlook and anyone acting as his/her designate in the provisions of this bylaw;
- g) **"Columbarium"** means a structure in a Cemetery designated for storing or interring cremated human remains in sealed compartments;
- h) **"Council"** means the Council of the Town of Outlook;
- i) **"Disinterment"** means the removal and relocation of human remains;
- j) **"Double Grave"** consists of two (2) single graves forming a plot;
- k) **"Employee"** means an employee of the Town;
- l) **"Family Plot"** consists of three (3) single graves forming a plot;
- m) **"Flat Marker"** 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;

- n) **“Foundation”** means a concrete or granite slab of specific proportion for the placement of a monument and/or base, the top of which is at ground level;
- o) **“Funeral Urn”** means a vessel made of metal, wood, porcelain, pottery, ceramic, glass or stone which is used to store human remains in a Columbarium Niche or buried in a grave;
- p) **“Grave”** means a plot of land in the Cemetery to be utilized solely for the interment of human remains or ashes;
- q) **“Interment”** means the burial of human remains or cremated human remains in a grave or the placing of cremated remains in a niche;
- r) **“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 that Health Region containing the Town of Outlook; in carrying out the provisions of this Bylaw;
- s) **“Monument”** means a memorial structure set upon an approved stone or concrete footing or foundation, which projects above the ground, with inscribed or attached lettering or artwork as a means of commemoration and made of granite, marble, bronze or other approved material. Anything that is called a headstone, tombstone, upright or vertical monument, or a pillow marker that may be supported by a monument base, but which must be supported by a foundation;
- t) **“Niche”** means a single compartment of a columbarium large enough to house one or two funeral urns;
- u) **“Normal Cemetery Business Hours”** means weekdays, (Monday to Friday) 9:00 AM to 5:00 PM, excluding statutory holidays.
- v) **“Parade”** means a public procession, especially one celebrating a special day or event and can include marching bands
- w) **“Perpetual Care”** means the levelling of the ground, seeding and mowing the grass and keeping straight the monuments, tombstones or like structures, and ongoing general upkeep; including the care and repair of the cemetery and columbarium but excluding private monuments and columbarium plaques. Notwithstanding the foregoing, it shall not include repair or replacement of markers, tombstones, monuments, or other like structures except specifically provided by Bylaw. Each interment must pay the perpetual care charge unless previously paid. *The Cemeteries Act, 1999* prevails in all circumstances where there might arise a conflict between *The Act* and *The Cemetery Bylaw*;
- x) **“Private Estate Niche”** means a stand-alone columbarium consisting of two (2) separate compartments which is large enough to house up to four (4) funeral urns.
- y) **“Single Grave”** is referred to as an area consisting of the following dimensions: ten (10) feet in length and three (3) feet, four (4) inches in width;
- z) **“Town”** means the Town of Outlook in the Province of Saskatchewan;
- aa) **“Vegetation”** means trees, shrubs, creepers, climbers, flowers, perennials, biennials or other growing or flowering matter.

5. REFUND FOR UNUSED GRAVE OR COLUMBARIUM NICHE

a) Refund for Unused Grave or Columbarium Niche

The Licensee may transfer the grave, graves, niche or niches back to the Town, and will be entitled to a refund in such amount as is equal to the amount for which the grave, graves, niche or niches was initially purchased.

b) Trade of Plot for Columbarium Niche

In cases where a person has previously purchased a plot for burial purposes and that person now wishes to obtain a Columbarium niche, that he/she or his/her representative may return the ownership of the plot to the Town of Outlook (for future sale to other parties) and obtain ownership of a Columbarium Niche upon receipt by the Town of Outlook of the difference in price paid for the plot versus the price of the Columbarium niche with consideration given that there should be an additional fee of \$25 charged for fees to transfer.

c) Individual Ashes spread at another location

In the case where an individual(s) has had their ashes spread at another location, the ends of the Columbarium may be used for the placement of plaques for memorial purposes. Memory wall plaques (found under Appendix A of this Bylaw) will be supplied by the Town of Outlook for the sum as per Schedule A of this Bylaw, and once so engraved or etched (*as the case may be*), which is at the cost of the person proceeding with the memorial, the municipality will see to the placement of the memorial marker at the proper location on the end of the Columbarium.

6. INTERMENTS AND DISINTERMENTS

a) Fee and Surcharges for Opening and Closing Graves

Prior to any interment, the owner of the grave or his/her legal representative shall provide to the Town the fee for opening and closing the grave and such surcharges as may be established by resolution of Council from time to time, or arrangements shall be made for payment satisfactory to the Town. A supplemental winter fee for interments from November 1 to April 30 shall be paid as may be established by resolution of Council from time to time.

b) Notice of Proposed Time of Interment

Notice shall be given to the Cemetery Clerk at least seventy-two (72) hours before the proposed time of interment.

c) Maximum Number of Occupants of One Single Grave

A maximum of one full casket burial and up to two urns of human ashes, or a maximum of four urns of ashes shall be interred in any one grave. Any number of interments above the maximum shall not be allowed.

d) Depth of Grave, Outer Shells and Grave Digging Services

- i. No grave shall be less than six feet in depth from the surface of the ground surrounding the grave. Earth interment of ashes may be less than six feet in depth, but shall not be less than thirty (30) inches in depth from the surface of the ground surrounding the grave.
- ii. No person other than an employee or authorized agent of the Town shall dig or open any grave, or open or close any columbarium niche.
- iii. No person other than a qualified Undertaker shall have charge of the interment or disinterment of any human body or cremated remains.

e) Interment on Weekends and Holidays

Interments on Saturdays, Sundays, Statutory holidays, or public holidays shall be subject to such surcharge as may be established by resolution of Council from time to time.

f) Disinterment

Disinterment for the purpose of moving the body of a deceased person from the Cemetery for re-interment in a different cemetery shall only be permitted upon the production of the written permission of the Chief Medical Officer for the Ministry of Health issued pursuant to an application under The Public Health Act and in accordance with the Disease Control Regulations.

The Disease Control Regulations prevail in all circumstances where there might arise a conflict between the Regulations and The Cemetery Bylaw.

No disinterment of graves shall be carried out between November 1st and May 31st unless authorized by the Attorney-General of the Province of Saskatchewan. The proposed time of disinterment shall, subject to the provisions of any order of the Minister of Public Health or the Attorney-General of the Province, be subject to the consent of the Cemetery Clerk.

In all cases where bodies are exhumed from single graves, or lot, the use of the grave or lot shall revert to the Town of Outlook, and the person having the right to use of the grave or lot shall, upon surrender of this receipt or Certificate to the CAO, be entitled to no refund.

For disinterment of cremains from a Columbarium Niche, the Town of Outlook will charge an Open and Close Fee for Niches as per Schedule A of this Bylaw and the Bronze Name Ribbon will be returned to the family and/or his/her representative. The ownership of the Niche then reverts to the Town of Outlook with no refund.

g) Permit, Application and Payment Required Prior to Interment

Prior to an interment, any person arranging for the interment in any grave in a Cemetery shall provide payment in full of all fees and charges for the work prescribed to be done by the Town. Interments on Saturdays, Sundays and statutory and public holidays are subject to a supplemental charge as may be established by resolution of Council from time to time, in addition to any other fees.

h) Interment in Case of Death Caused by Specified Communicable Disease

The remains of a deceased person with a specified communicable disease shall be interred as per the Disease Control Regulations. These regulations will prevail in all circumstances where there might arise a conflict between the Regulations and The Cemetery Bylaw.

i) Days and Hours for Interments

- i. Full casket burial interments shall only be made in the Cemetery between the hours of 8:00 A.M. and 5:00 P.M. on days other than Saturdays, Sundays, Statutory holidays, or public holidays except as provided by Subsection (iii) or by section (e).
- ii. Cremation interments shall only be made in the Cemetery between the hours of 8:00 A.M. and 5:00 P.M. on days other than Saturdays, Sundays, Statutory holidays, or public holidays except as provided by Subsection (iii) or by section (e).
- iii. Interments may be made on the days prohibited by subsection (i) and (ii) hereof in cases of extreme necessity such as the danger of contagion or infection, or in case of an epidemic.
- iv. Interments made as provided for in subsection (iii) here for shall only be permitted where the Medical Health Officer has issued his certificate certifying that the case is one coming within the provisions of said subsection (iii).

j) Burial of Two Bodies in a Casket or Coffin

No funeral director or other person shall inter or cause to be interred more than one body in a casket without receiving a special permit from the Town of Outlook authorizing such interment, and such permit shall only be issued where the person applying therefore desires to bury a child with the mother or father or two children of the same parentage.

8. INDIGENT BURIALS

At the request of the governing authority in the matter, the Town shall provide graves in the Cemetery without charge for the interment of indigent persons. The interment of indigent persons shall take place in single graves, as designated by the Cemetery Clerk, and location shall be chosen by the CAO. The grave shall be marked by the Town of Outlook in a fashion consistent with other graves where markers are not provided, for example, a cross may be provided by the Town of Outlook.

9. CARE AND IMPROVEMENT OF GRAVES, PLOTS OR NICHES

a) No Plantings etc.

No person shall plant any vegetation including trees, flowers, or shrubs, or similar plant material intended for growth on any grave in the Cemetery or in any area of the Cemetery.

b) No Fences, Railings, etc.

No person shall construct any fence, railing, trellis, or coping on any grave in the Cemetery or in any other area of the Cemetery.

c) Removal of Items in Disrepair

Should any present item be in a complete state of disrepair or is encroaching on adjacent graves, roadway or walk the CAO may, after notice in writing to the Licensee at his/her last known address have the said item removed from the Cemetery if the condition is not remedied by the Licensee.

d) Decorations

- i. Funeral designs shall be permitted in holders, vases, or other unbreakable receptacles approved by the CAO, provided the receptacles are permanently secured to the monument and are no higher than the height of an allowable monument and within the boundaries of the Licensee's plot.

- ii. The CAO may have any fresh-cut funeral design removed which has become wilted, or after a period of ten (10) days from the date when the funeral design was originally placed on the grave, whichever is sooner.

e) Prohibited Objects

No person shall place or maintain on any grave any glass encased designs, stands, holders, vases or other objects made of glass. Decorations must not include any of the following items: lawn ornaments, items that are of wooden, china or plastic composition. Decorations on graves are placed at the families own risk and the Town of Outlook assumes no liability whatsoever. Decorations on Columbarium niches are not allowed.

10. PERPETUAL CARE RESERVE FUND

The Town shall maintain a designated Perpetual Care Reserve Fund account where at the end of the fiscal year, the Town will transfer the following:

- i. 80% of the total of all perpetual care fees collected throughout the fiscal year;
- ii. 100% of all donations to the Cemetery collected throughout the fiscal year goes into the Perpetual Care Reserve Fund to be designated for capital projects, or future Cemetery expenses and/or Columbarium purchases.
- iii. Expending 100% of all budgeted amortization of capital items as well as 100% of perpetual care actual expenditures throughout the fiscal year approved by Council.

11. TOMBSTONES, MONUMENTS AND URNS

a) Placement

No person shall place or erect in the cemetery, any base, monument, marker, plaque, tombstone or any like structure or make alterations to same heretofore erected, until all necessary information has been made available to and approval received from the Town of Outlook Chief Administrative Officer or his/her designate.

b) Monument and Temporary Marker Construction, Foundations and Dimensions

All monuments and markers shall be of granite, bronze, iron, marble or stone. Monuments or markers of cement, artificial stone composition, wood or tin will not be permitted with the exception of temporary markers supplied by a funeral home. Temporary markers may be removed by order of the CAO after a period of six months has elapsed, the Town will replace the temporary marker in a fashion consistent with other graves where markers are not provided, for example, a cross may be provided by the Town of Outlook. Once permanent markers are established, the Town provided marker shall be returned to the Town of Outlook.

c) Monument Care Responsibility

The monument/marker care remains the fiscal responsibility of the owner of the plot and its inheritors (the family), the family is solely responsible for the care, maintenance and replacement and removal of the monument/marker as well as levelling of markers, maintenance of grave edging, foundations, base or markers. Should the Town be required to remove the monument at the Town's cost, the Town will replace in a fashion consistent with other graves where markers are not provided, for example, a cross may be provided by the Town of Outlook. Once a new permanent marker or monument is established, the Town provided marker shall be returned to the Town of Outlook.

d) Specifically Not Permitted

Grave cover slabs are not allowed to be placed on any grave within the confines of the Cemetery. There will be no exceptions going forward. All grave cover slabs placed prior to this Bylaw coming into force will be removed over time by the Town in cooperation with the deceased buried member's family (if said family can be reached).

e) Monument Foundations and Dimensions

The maximum specified height of the complete monument structure is measured from grade level, and includes the height of any foundations or bases that extend above grade level. All stones must be set at the head of the grave and all stones shall be in a line designated by the Town of Outlook. All foundations for the erecting of monuments shall be the responsibility of the grave licensee, unless such grave is in a section that has foundation runners. The cost of foundations is to be paid by the grave licensee. All monuments must be within the following dimensions:

- i. A monument must have a foundation. No part of the monument shall extend into any area not intended for use as a grave, including paths or walkways.
- ii. Foundations are to be sized according to the headstone or monument and should be no less than 3" wider than the perimeter of the base of the monument. The subgrade shall be prepared and compacted to minimize future settlement. The licensee of the grave shall be responsible for damage done to a headstone or monument that is a result of an insufficient foundation.

f) Removal of Markers

- i The Town reserves the right to permanently move or remove from any grave, any monument or marker that is in disrepair, contravenes this bylaw or poses a safety concern.
- ii Monuments incorrectly or improperly placed by person(s) will be removed and the cost of such charged to those responsible for the incorrect placement.
- iii The Town of Outlook may, at its discretion remove deteriorated markers, and replace them with a marker deemed appropriate, all reasonable efforts will be made to contact family members of the deceased to inform and seek reasonable replacement

g) Urns

- i Urns in Columbarium Niches must be constructed of metal, wood, porcelain, pottery, ceramic, glass or stone.

h) Acceptable Materials for Burial

- i Caskets may be made of all types of wood, steel or cloth, as well as eco-friendly options of wood, bamboo, wicker or cardboard.
- ii If a burial shroud is used in lieu of a casket, the shroud should be made from linen, cotton, muslin or wool.
- iii A burial vault is acceptable, which is a lined and sealed outer receptacle that houses the casket that protects the casket from the weight of the earth and maintenance equipment passing over the grave.

12. GENERAL

a) Interments in Cemetery Only

No person shall inter any human body in any land situated within the limits of the Town other than the Cemetery, or such lands as may hereafter be appropriated of by the Town of Outlook and used as a burial ground.

b) Records and Fees

The CAO shall keep a register in which he/she shall record full particulars of all certificates and interment orders issued and of all fees received by him/her.

c) Disturbances

No person shall disturb the quiet and good order of the Cemetery by noise or any other improper conduct nor shall any person willfully or unlawfully disturb persons assembled for the purpose of burying a body in the Cemetery.

d) Gatherings

No parties, or gatherings are permitted in the Cemetery. Funerals or a ceremony of observance or remembrance shall be permitted in the Cemetery.

e) Parades

No person shall take part or be in any unauthorized parade in the Cemetery. Permission to hold a parade in the Cemetery may be granted by the CAO upon receipt of a written application made thirty-six (36) hours before the time of the parade.

f) Tents

No person shall erect any tent or other temporary structure in the Cemetery unless granted by the CAO upon receipt of a written application made thirty-six(36) hours before the erection of said tent or other temporary structure.

g) Pets

No pets or animals shall be allowed in the Cemetery unless such animal is on a leash and in the care of an adult person. Pet owners must promptly clean up after their pets at all times and in all areas of the Cemetery.

h) Animals Being at Large

No person shall turn loose, or suffer to go at large any animal in the Cemetery.

i) Willful Damage

No person shall commit any willful damage to the Cemetery's landscape or any monument, building or other structure in the Cemetery or any fence, railing or approved decoration or other work for protection or ornament of the Cemetery. No person shall willfully destroy, cut, break or injure any tree, shrub, flowers, or plant in the Cemetery.

j) Limited Liability

The Town shall not be liable for the loss or damage due to vandalism or reasonable maintenance to any monument, marker or other object in the cemetery.

k) Sports Prohibited

No power snow machines of any kind, skiing of any sort, snowshoeing, tobogganing, or active participating sports, will be allowed in the Cemetery. Motor bikes, quads, gators, or off-road vehicles are not allowed in the Cemetery at any time, with the exception of Town owned maintenance vehicles.

l) Operation of Motor Vehicles

Motor vehicles are allowed into the Cemetery only during the hours that the Cemetery is open, and no person shall operate a motor vehicle in the Cemetery in a manner so as to emit a loud, unnecessary or unusual noise that annoys or disturbs persons gathered in the Cemetery.

m) Speed of Vehicles

No person shall ride or drive any motor vehicle in, upon or through the Cemetery at an immoderate rate or so as to incommode or interfere with or endanger any other person frequenting the same.

n) Vehicles on Pedestrian Paths Prohibited

No person shall ride or drive any motor vehicle upon or along the turf or sward or upon or along any sidewalk, pathway or footpath set apart for the use of pedestrians in the Cemetery; provided, however, that nothing contained in this section shall prevent any cyclist, having first dismounted, from taking his machine upon such turf or sward or upon or along such sidewalk, pathway or footpath.

o) Heavy Loads

No person shall use the roads or drives in the Cemetery for the purpose of carting heavy loads over and upon the same except where necessary for building operations or improvements therein or to deliver fuel or other merchandise to any building which the Town may erect in, fronting or abutting upon the Cemetery.

p) Driving when Ground is Unfit

No person shall drive or ride in the Cemetery when the ground is unfit for driving and riding.

q) Garbage or Littering

No person shall carry into, deposit or leave upon the Cemetery, any paper, sticks, refuse, carcass, excrement, filth, dirt, perishable items, beverage containers, recycling, cigarettes, or any offensive matter or substance. Tobacco will be allowed.

r) Fireworks, Firearms

No person who has not been authorized to do so by the CAO shall discharge any fireworks, firearms or any weapon nor strike, injure, maim or kill any bird, gopher or animal in the Cemetery.

s) Conduct of Business Prohibited

No person shall use the Cemetery for business purposes and no business of any kind shall be carried on therein without the permission of the CAO.

t) Advertising Prohibited

No person shall display any bill, placard or advertising matter whatsoever within the Cemetery.

u) Fires Prohibited

No person shall build or have any type of fire in any part of the Cemetery including but not limited to appliances such as portable grills, barbecues, or hibachis.

v) Camping

No camping shall be allowed in the Cemetery at any time. Camping may involve the use of a tent, caravan, motorhome, a primitive structure, or no shelter at all.

w) Dates Where Items Removed by Town

Items left at gravesites not affixed to monuments will be removed and disposed of on May 15 and November 15 each calendar year

13. INFRACTION OF THE BYLAW AND PENALTY

Any person who contravenes the provisions of this Bylaw or fails to comply therewith, or with any notice given thereunder, is guilty of an offence and is liable on summary conviction to a fine in an amount of not less than One Hundred and Fifty Dollars (\$150.00) and not more than Five Hundred Dollars (\$500.00) for a first offence and not more than One Thousand Dollars (\$1,000.00) for the second offence.

14. REPEAL AND COMING INTO FORCE

- a) Bylaws 03 and 24 (2019) are hereby repealed.
- b) This Bylaw shall come into force and take effect on the date of final passing thereof.

Mayor

(SEAL)

Chief Administrative Officer

BYLAW 11(2023)

CEMETERY OPERATIONS BYLAW

SCHEDULE "A"

TOWN OF OUTLOOK CEMETERY FEES

ITEM OR SERVICE		FEE	PERPETUAL CARE	TOTAL	
PLOT AND NICHE SALES FEES MAY BE PREPAID					
INTERMENT FEES PAYABLE AT TIME OF SERVICE					
"SUMMER" rates apply May 1 to October 31 "WINTER" rates apply November 1 to April 30					
	Graves - Adult Plot	\$350.00	\$300.00	\$650.00	
	Graves - Infant Community Grave (10 years and Under)	\$225.00	\$200.00	\$425.00	
	Interment Adult - Open & Close	SUMMER \$550.00 WINTER \$875.00		\$550.00 \$875.00	
	Interment Infant -Open & Close	SUMMER \$75.00 WINTER \$125.00		\$75.00 \$125.00	
	Interment Cremation- Grave Open & Close	SUMMER \$275.00 WINTER \$450.00		\$275.00 \$450.00	
	Columbarium – Top Row	SINGLE NICHE \$1,800.00 DOUBLE NICHE \$2,800.00		\$300.00 \$500.00	\$2,100.00 \$3,300.00
	Columbarium –Middle Rows	SINGLE NICHE \$1,300.00 DOUBLE NICHE \$2,200.00		\$300.00 \$500.00	\$1,600.00 \$2,700.00
	Columbarium –Bottom Row	SINGLE NICHE \$1,100.00 DOUBLE NICHE \$1,950.00		\$300.00 \$500.00	\$1,400.00 \$2,450.00
	Private Estate Columbarium (Stand Alone Unit – 2 Niches each)	SINGLE NICHE \$2,000.00 DOUBLE NICHE \$2,700.00	\$300.00 \$500.00	\$2,300.00 \$3,200.00	
	Columbarium Name Plaques (Wreath with Scroll Ends) (Sample attached to Schedule)	SINGLE NICHE \$750.00 DOUBLE NICHE \$900.00		\$750.00 \$900.00	
	Interment Columbarium – Open & Close	ANY TIME \$300.00		\$300.00	
SPECIALTY ITEMS					
	Memory Wall Plaque – Columbarium Ends 6 x 4 Single Name ONLY Must be ordered from the Town of Outlook & paid in full prior to ordering (Sample attached to Schedule).	\$750.00		\$750.00	
	Columbarium – ADD AN URN TO A SINGLE NICHE	\$1,000.00		\$1000.00	
	Columbarium – CHANGE NAME PLAQUE FROM SINGLE TO DOUBLE	\$750.00		\$750.00	
ADDITIONAL CHARGES					
	Late Departure – Requiring Town Staff Present After 5:00 PM	\$250.00		\$250.00	
	Saturday or Sunday Funerals Requiring Town Staff Present	\$400.00		\$400.00	
	Statutory Holidays Requiring Town Staff Present	\$600.00		\$600.00	
	Interment Surcharge –Adult – Weekend or Holiday Open/Close	\$250.00		\$250.00	
	Interment Surcharge – Infant – Weekend or Holiday Open/Close	\$200.00		\$200.00	
		All Fees are subject to GST and any applicable government taxes.			

APPENDIX "A"
TOWN OF OUTLOOK COLUMBARIUM PLAQUE STYLES

Samples of Name Plaques and Memory Wall Plaque for Columbarium (NO CHANGES – NO EXCEPTIONS)



SINGLE NAME PLAQUE



DOUBLE NAME PLAQUE



MEMORY WALL NAME PLAQUE