

TOWN OF EATONIA

BYLAW NO. 6/24

A BYLAW OF THE TOWN OF EATONIA TO PROVIDE FOR THE MANAGEMENT  
AND CONTROL OF THE EATONIA AND DISTRICT CEMETERY

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

1. **SHORT TITLE**

- a) This Bylaw may be cited as "The Cemetery Bylaw".

2. **DEFINITIONS**

- a) **"Administrator"** shall mean the Administrator for the Town of Eatonia.
- b) **"Block"** means a division of land in the cemetery which is subdivided into plots.
- c) **"Caretaker"** shall mean the person or persons responsible for the care and maintenance of the Cemetery;
- d) **"Cemetery"** means land owned by the Town of Eatonia set apart for, or used as a place of, interment of the dead or in which human bodies may be buried. Eatonia and District Cemetery shall be described as Block T, Plan 102321526, Ext 0, Plan 203761515.
- e) **"Cemetery Committee"** means the Eatonia Cemetery Committee established by bylaw by the council.
- f) **"Columbarium"** means a structure in a cemetery designed for the purpose of storing or interring cremated human remains in a sealed compartment or niche.
- g) **"Council"** shall mean the Council of the Town of Eatonia.
- h) **"Cremated Human Remains"** means human bone fragments that remain after cremation.
- i) **"Cremation"** means the technical process of using heat to reduce human remains to bone fragments.
- j) **"Foundation"** means the concrete pad that supports the monument or marker.
- k) **"Grave"** shall mean a place of burial for human remains or cremated human remains, typically a hole dug in the ground and marked by a monument or marker.
- l) **"Human Remains"** means a dead human body, but does not include cremated human remains.
- m) **"Interment"** means:
- the burial of human remains or cremated human remains in a cemetery, or
  - the interment of cremated human remains in a columbarium.
- n) **"Licensee"** means a person or persons who purchase a plot(s) or niche(s) in the Cemetery.
- o) **"Lot"** shall mean a parcel of land in the cemetery which is comprised of one or more plots and is to be utilized solely for the interment of human remains or cremated human remains.
- p) **"Marker"** shall mean a memorial placed flush with the ground.
- q) **"Memorial Wall"** means a granite wall where spots can be purchased to inscribe upon to memorialize a deceased person.
- r) **"Monument"** shall mean a tombstone or memorial which shall extend above the surface of the ground.
- s) **"Niche"** means an individual compartment to be used for the interment of cremated human remains.
- t) **"Perpetual Care"** shall mean the basic maintenance of all plots/lots and shall include leveling of the ground and the seeding and cutting of grass as required. It shall not include the maintenance, repair or replacement of monuments or markers.
- u) **"Plot"** means an area of land designated for the purpose of a single burial of human remains and/or the burial of cremated human remains.
- v) **"Town"** shall mean the Town of Eatonia in the Province of Saskatchewan.

### **3. GENERAL RULES**

- a) All persons, while in the Cemetery, shall conduct themselves in a quiet and orderly manner.
- b) Persons visiting the Cemetery or attending funerals are strictly prohibited from picking flowers, wild or cultivated, breaking or injuring any tree, shrub or plant, or from writing upon, defacing or damaging any memorial, fence or other structure within the Cemetery grounds.
- c) Motor cars and vehicles in the Cemetery shall travel only on the roadways provided for that purpose.
- d) No dogs or other pets shall be allowed in the Cemetery. No motorcycles, bicycles, power snow machines of any kind, skiing of any sort, snowshoeing, and tobogganing or sports activities of any kind will be allowed in the Cemetery.
- e) 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 of the funeral service.
- f) The Cemetery 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.

### **4. PLOTS AND NICHES**

- a) Any person may purchase a plot or niche in the Eatonia and District Cemetery, upon application to the Administrator and payment of the appropriate fees, which shall, in all cases, include a fee for perpetual care:
  - i) The fees for plot or niche purchases and perpetual care and the charges for work done or services rendered at the Eatonia and District Cemetery, shall be in accordance with the fees set in Schedule "A" attached hereto.
  - ii) All fees collected for perpetual care shall be held by the Town in a separate account called the "Cemetery Perpetual Care Fund" and shall be invested in accordance with the fees set in Schedule "A" attached hereto.
- b) The Administrator shall provide a license as set out in Schedule "C" to the purchaser upon payment in full for the plot or niche. Any license for use of a plot or niche is valid for a period of 30 years from the date it is issued. Provided such plot or niche is not used for an interment within that time, it is the responsibility of the licensee or his legal representative to renew the license, upon such conditions as may then be in effect. Failure to renew the license on any used grave may result in the Town making application for revestment to the Register of *The Cemeteries Act, 1999*.
- c) No plot shall be used for any other purpose than for the burial of human remains or cremated human remains.
- d) No niche shall be used for any other purpose than for the interment of cremated human remains.
- e) The licensee of a plot or niche or his legal representative may transfer the plot or niche to a member of the family, or return the plot or niche to the Town.
  - i) The purchaser of a plot or niche or his legal representative may not sell the plot or niche to any other person.
  - ii) The license to use a plot or niche cannot be sold by a licensee except to the Town. The offer must be in writing and from the original licensee or his legal representative.
  - iii) A refund for a plot or niche will be issued on the basis of 50 percent of the original fees paid for the plot or niche but no refund will be given back for perpetual care.
- f) The Town shall take all reasonable precautions to protect licensees and the property rights of licensees within the Cemetery from loss or damage; but the Town distinctly disclaims all responsibility for loss or damage from causes beyond its reasonable control and especially from damage caused by the elements, an act of God, common enemies, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots or order of any military or civil authority.

## 5. MEMORIAL WALL

- a) Any person may purchase a spot to inscribe on the Memorial Wall, upon application to the Administrator and payment of the appropriate fees, which shall in all cases include a fee for perpetual care.
  - i) The fees for a spot on the Memorial Wall and perpetual care and the charges for work done or services rendered at the Eatonia and District Cemetery shall be in accordance with the fees set in Schedule "A" attached hereto.
  - ii) All fees collected for perpetual care shall be held by the Town in a separate account called the "Cemetery Perpetual Care Fund" and shall be invested in accordance with the fees set in Schedule "A" attached hereto.
- b) Any person who has a plot in the Eatonia and District Cemetery will not be allowed to purchase a spot on the Memorial Wall due to limited space.
- c) The inscription can include up to a maximum of three lines which includes the following:
  - i) First Line – first and last name and initial;
  - ii) Second line – Dates which includes years of birth and death; and
  - iii) Third line – epitaph chosen from the list set out in Schedule "B";
  - iv) Only one name per three lines of lettering;
  - v) The print style will be the same on all the inscriptions and will be approximately 3/4" per line.
  - vi) The Town has final say to deny any inscription on the Memorial Wall.
- d) Inscriptions will not be in a specific order other than couples.

## 6. INTERMENTS AND DISINTERMENTS

- a) No interments shall be made in the Cemetery until compliance with the provisions of this Bylaw, the *Public Health Act* and *Vital Statistics Act* of the Province of Saskatchewan and with any regulations issued thereunder.
- b) Payment for any appropriate charges as set out in Schedule "A" to this Bylaw are due prior to any interment.
- c) A maximum of one body and three urns of cremated human remains or four urns of cremated human remains shall be interred in any one cemetery plot. A maximum of two urns of cremated human remains shall be interred in any one columbarium niche.
- d) No grave shall be less than six feet in depth from the surface of the ground surrounding the grave. Notwithstanding the foregoing, earth interment of a cremation may be less than six feet in depth but shall not be less than twenty-four (24) inches in depth from the surface of the ground surrounding the grave.
- e) Disinterment shall only be permitted upon the production of a written permission of the Minister of Public Health issued pursuant to an application under the *Public Health Act*.
- f) When a plot is held by a licensee, or jointly by two or more parties, authority for interment in such grave or any part thereof will be accepted by the Town from any one of the said parties or their executors or agents.
- g) No interments shall be permitted in the Cemetery unless a proper burial permit or cremation certificate is produced by the party applying for the burial, in accordance with this Bylaw.
- h) Graves shall be opened and closed and the required excavation for urns of cremated human remains shall be made only by persons employed by the Town, unless otherwise authorized by the Public Works Foreman or Administrator.

## 7. INDIGENT BURIALS

- a) The Administrator shall provide interment rights free of charge for an unclaimed body or for a deceased indigent person where the Town is instructed to provide interment rights free of charge pursuant to Section 50 of *The Cemeteries Act, 1999* and any regulations thereto addressing the interment of indigent persons.
- b) The interment of indigent persons shall occur in single plots, the location of which shall be within the sole discretion of the Administrator.

## **8. PLANTS AND SHRUBS**

- a) The Cemetery Committee shall undertake to maintain as may be practicable, the planting of trees and shrubs to preserve and maintain landscape features.

## **9. CARE OF GRAVES**

- a) To obtain the best landscape effects, the Cemetery Committee shall supervise the general care of the entire Cemetery. The licensee of graves shall observe all rules and regulations passed from time to time by Council for keeping the graves in order.
- b) There shall be no installation of grave coverings, fences, borders, railings, trellises, curbs, walls or copings on the graves. The planting of any vegetation such as trees, shrubs, hedges, perennials or annuals, with the exception of grass, will not be permitted on or around the immediate area of the graves, except as permitted under Section 8 of this Bylaw.
- c) Any grave coverings, borders, railings, curbs, walls, copings, hedges, trellises, shrubs or trees that have been erected or planted prior to the date of passing this Bylaw may be removed by the Town of Eatonia if by reason of neglect or age, if becomes in a state of disrepair, unsightly, dangerous or detrimental. Upon request of the licensee any of the above mentioned may at the discretion of the Cemetery Committee, be removed at a rate as per the custom work rate schedule by the Town of Eatonia.
- d) The Town employees or caretaker shall have the authority to remove all floral designs, flowers, weeds, trees, shrubs, plants or herbage of any kind from the Cemetery as soon as, in their judgement they become unsightly, dangerous, detrimental or diseased.
- e) Vases, crosses and/or statues may be permitted provided they are no higher than fourteen (14) inches and are permanently secured to the base of the monument. They must not project beyond a plumb line from the outside dimensions of the monument base. Only one of the aforementioned (holder, vase, cross, statue or other approved receptacle) may be erected on a single grave. For double graves, any two may be erected and so forth in sequential order.

## **10. MONUMENTS AND MARKERS**

- a) No monument or marker shall be erected in the Cemetery without prior written consent obtained from the Administrator.
- b) All monuments and markers shall be of granite or marble; the front top and back of monuments shall be axed, honed or polished. Monuments or markers of cement, artificial stone, composition, wood, tin or iron will not be permitted with the exception of temporary markers supplied by a funeral home. Temporary markers may be removed by a Town employee after a period of six months has elapsed.
- c) Only one monument per plot shall be placed at the head of the plot in alignment with adjacent monuments.
- d) Monuments shall not be placed in front of existing monuments. If a second marker is required on a grave, only a flat marker will be permitted directly in front of the existing monument.
- e) All monuments shall be erected on a concrete foundation.
- f) Markers do not require a concrete foundation and are to be placed flush with the ground.
- g) There are no size and shape requirements for monuments or markers except that they are restricted to the boundaries of the plot or portion of the plot purchased.
- h) The licensee of a plot will be the authority according to the Town in regards to the placement of a monument on a grave or graves. A person other than the licensee who makes application of/or the placement of a monument must obtain the necessary consent from the licensee if such person is not deceased.
- i) Where the original licensee of a plot is deceased and the license has not been transferred to another family member, a person making application for the placement of a monument or marker does so at their own risk. The Town does not accept any responsibility for resolving disputes between surviving family members and or friends resulting from the placement of a monument or marker.
- j) The Town shall not be liable for the loss of or any damage to any monument, marker or any part thereof or of any memorial tribute located in the Cemetery.

- k) Notwithstanding Section 10(j), the Town reserves the right to temporarily remove any monument for the purpose of performing necessary maintenance work.
- l) Minor scraping of the concrete foundation, monument, or marker due to mowing is considered normal wear.
- m) The Town may remove and dispose of any monument, marker, memorial structure, or fixture placed in the Cemetery if such should fall into disrepair and/or become unsightly. The Town will forward written notification prior to undertaking this action to the last known address of the licensee of the plot.
- n) The Council of the Town, may by resolution, order the removal of any monument or marker situated in the Cemetery if, in the opinion of the Council, the said marker or monument is hazardous, inappropriate, unsightly or undesirable.

**11. PENALTY**

- a) Any person contravenes the provisions of this Bylaw or fails to comply therewith, or with any notice given thereunder, is guilty of an offence and liable on summary conviction to the penalties provided in the General Penalty Bylaw.

**12. REPEAL OF FORMER BYLAWS**

- a) Bylaw No. 11/22 is hereby repealed.

**13. EFFECTIVE DATE OF BYLAW**

- a) This Bylaw shall come into force and take effect upon final approval of Council.

Read a 1<sup>st</sup> time on June 11, 2024

Read a 2<sup>nd</sup> time on June 11, 2024

Read a 3<sup>rd</sup> time on June 11, 2024



*Dave Scott*  
 \_\_\_\_\_  
 Mayor

*Cheryl Bailey*  
 \_\_\_\_\_  
 Administrator

Certified a true copy of Bylaw No. 6/24  
 adopted by resolution of Council on the  
 11th day of June , 2024.

*Cheryl Bailey*  
 \_\_\_\_\_  
 Administrator



**TOWN OF EATONIA**  
**Schedule "A" to Bylaw No. 6/24**

**Cemetery Fees**

- 1. PLOT PRICE (PLUS GST, PST EXEMPT)**
  - Single Plot \$250.00
  
- 2. OPENING AND CLOSING A PLOT (PLUS GST, PST EXEMPT)**
  - Summer (May 1<sup>st</sup> to October 31<sup>st</sup>)
    - Full Burial \$600.00
    - Cremation Burial \$250.00
  
  - Winter (November 1<sup>st</sup> to April 30<sup>th</sup>)
    - Full Burial \$800.00
    - Cremation Burial \$250.00
  
  - After Hours Charge \*
    - Full Burial \$250.00
    - Cremation Burial \$150.00
  
- 3. COLUMBARIUM (PLUS GST AND PST)**
  - Single Niche
    - Top 2 Rows \$1800.00
    - Bottom 2 Rows \$1500.00
  - Opening/Closing included
  - After Hours Charge \* for Opening/Closing \$150.00
  - Niche Door Inscription Contractor Charge
  
- 4. MEMORIAL WALL (PLUS GST AND PST)**
  - Single Spot \$100.00
  - Inscription on Wall Contractor Charge
  
- 5. PERPETUAL CARE (PLUS GST, PST EXEMPT)**
  - Single Plot, Niche, or Memorial Wall Spot \$150.00

**\* Work performed on weekends, holidays or after hours (after 4:00 p.m.) will incur the after-hours charge**

**TOWN OF EATONIA**  
**Schedule "B" to Bylaw No. 6/24**

**Memorial Wall Epitaphs**

1. To Sleep To Dream
2. Gone But Not Forgotten
3. In Loving Memory
4. In Loving Memory Of
5. Asleep in Peace
6. You Touched Us All
7. Entered Into Rest
8. Until We Meet Again
9. At Rest in Peace
10. Asleep in Jesus
11. Love is Eternal
12. Love Never Ends
13. Beyond the Sunset
14. A Good Life
15. A Friend to Many
16. Love Forever
17. We/I Have Kept the Faith
18. In God's Care
19. Trust in God
20. Thy Will Be Done
21. Sleep My/Our Little One Sleep
22. Our Baby is in Heaven
23. Be Still Little One
24. So Sweet So Small So Soon
25. Our Little Angel
26. So Little Yet So Loved
27. Our Precious Boy/Girl
28. Love Lives On
29. Always Loved Always Missed
30. Husband Son Friend
31. Wife Daughter Friend
32. Loved Laughed Lived

This list is not the only epitaphs that can be used. If a family would like to use a different epitaph "it should be short and appropriate". These must be approved by the Town of Eatonia and/or contractor due to spacing.

**TOWN OF EATONIA**  
**Schedule "C" to Bylaw No. 6/24**

**Cemetery Plot or Columbarium Niche License**

This is to certify that the following has been purchased in the Eatonia and District Cemetery:

Name \_\_\_\_\_

Address \_\_\_\_\_

Phone Number \_\_\_\_\_

For the sum of \_\_\_\_\_ dollars (\$ \_\_\_\_\_)

	QUANTITY	AMOUNT	GST	PST	TOTAL
PLOT		\$250.00			
NICHE: Top 2 Rows		\$1,800.00			
Bottom 2 Rows		\$1,500.00			
PERPETUAL CARE		\$150.00			

Receipt # \_\_\_\_\_

**Location:**

Plot: Block \_\_\_\_\_ Lot \_\_\_\_\_ Plot(s) \_\_\_\_\_

Columbarium Niche: Column \_\_\_\_\_ Row \_\_\_\_\_

This license is granted subject to the provisions of Bylaw No. 11/22 governing the Eatonia and District Cemetery.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

**TOWN OF EATONIA**

**PURCHASER**

\_\_\_\_\_  
Administrator/Authorized Representative

\_\_\_\_\_  
Purchaser

\* This license is valid for a period of 30 years from the date it is issued.