



# City of Moose Jaw

**COMMUNICATION# CC-2020-0003**

**TITLE:** Bylaw No. 5611, The Cemetery Bylaw

**TO:** City Council

**FROM:** Department of Parks and Recreation

**DATE:** 10 January 2020

**PUBLIC:** PUBLIC DOCUMENT

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## **RECOMMENDATION**

THAT City Council give 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> reading to Bylaw No. 5611, The Cemetery Bylaw.

## **TOPIC AND PURPOSE**

City Administration is proposing that Bylaw No. 4457, The Cemetery Bylaw be repealed and that a new bylaw be enacted to reflect:

- Current standards and practices.
- Improved clarity and consistency.
- Alignment with the current Provincial Regulations and Municipal Bylaws.
- Proper alignment with current practices in other municipalities.

## **BACKGROUND**

The proposed Bylaw was presented at the December 16, 2019 City Council meeting and was tabled pending input from funeral homes and monument companies.

On December 17, 2019, the Parks and Recreation Department distributed an email to the Moose Jaw Funeral Home and Jones-Parkview Funeral Services requesting feedback on the proposed Bylaw and updates to the Monument Regulations. A copy of the email is included in Attachment 3. The local funeral homes were provided ten (10) business days to review and provide feedback and no feedback was received.

The Moose Jaw Cemetery located at 1005 Caribou Street East and the Rosedale Cemetery located at 1804 Caribou Street West are both operated and maintained by the Parks and Recreation Department.

City of Moose Jaw Cemeteries are governed by both provincial and municipal regulations. The provincial regulations include Bill 30 – *Cemeteries Act, 1999* and *Cemeteries Regulations, 2001* while Bylaw No. 4457, The Cemetery Bylaw provides for the control and regulation of the City operated Cemeteries.

The current Bylaw was passed and enacted on July 1, 1987 and has not been amended since its original passing.

## **DISCUSSION**

The following is a summary of major changes between the existing Bylaw of 1987 and the proposed Bylaw of 2019. The proposed Bylaw also includes several minor changes for clarity and consistency with other bylaws and policies.

Section 24 of the bylaw was also updated as per the memo distributed by the City Clerk/Solicitor on December 16, 2019 which recommended an amendment to clarify the process for future amendments to the Monument Regulations.

### **General Administration**

- Existing Bylaw has winter & summer burial hours while the proposed Bylaw has daily burial hours, which apply year-round. **(New)**
- Public hours of the Cemetery are included. **(New)**
- Clause added regarding “events” in the Cemetery at the discretion of the Director. **(New)**

### **Fees and Charges**

- The Cemetery no longer allows payment plans on any cemetery services. **(Updated to reflect current practice)**
- The proposed Bylaw specifies that all fees are payable prior to a burial taking place. **(Updated to reflect current practice)**

### **Sale of Interment Rights**

- No person can purchase more than 8 graves without Director's approval. **(New)**

### **Sale of Niche Interment Rights**

- This section has been added to reference the columbaria which were installed in 2002, 2009 and 2018. **(Updated to reflect current practice)**

### **Perpetual Care of Graves**

- The reference in the existing Bylaw section 4(4)(a) to perpetual care being paid annually is no longer applicable. Perpetual care is currently included in the fee paid when purchasing a grave. **(Updated to reflect current practice)**

### **Refund of Interment Rights**

- Section 5. (2) of the existing Bylaw states the City shall refund the original purchase price for a returned grave but the cemeteries have been operating with a fee set on the Cemetery Rates sheet that states refunds are 75% of the current license fee. This was implemented as an incentive to return unused graves. With cemetery

rates increasing annually, refunds were much higher than the amount of the original purchase price. The Department will delete this fee from the cemetery rates and have incorporated a new clause in the Bylaw whereby 85% of the original grave or niche licence fee will be refunded when returning a grave/niche to the City. The 15% holdback is the administration fee. **(New)**

#### Casket Interments

- Section 6. (6) of the existing Bylaw refers to double depth burials and only allowing 2 burials within one grave. 2 caskets are no longer permitted in a single grave but up to 7 burials are permitted within 1 regular grave (1 casket and up to 6 cremations). **(Updated to reflect current practice)**

#### Cremated Remains Interments

- Section 7. (2) of the existing Bylaw refers to scattering ashes on a grave which is no longer permitted. Scattering of ashes is only permitted in the Scattering Garden. **(Updated to reflect current practice)**
- Regular graves now allow up to 6 cremated remains to be interred into the grave. **(Updated to reflect current practice)**

#### Disinterment's

- Section 10. (1) of the existing Bylaw indicates plot owner permission is required while the proposed Bylaw requires the Authorized Decision Maker's permission to disinter. **(New)**
- Section 10. (2) of the existing Bylaw indicates that grave ownership reverts to the City after disinterment. This is not applicable as the owner would have to transfer ownership back to the City. **(Updated to reflect current practice)**
- Added wording in proposed Bylaw stating that disinterment's from double depth grave or burials more than 50 years ago are not permitted. **(Updated to reflect current practice)**

#### Indigent Interments

- Removed all references to the term "indigent" in the proposed Bylaw as the definition of "indigent" can be construed as offensive to many people. Indigent interments are referred to as Social Services Interments in the proposed Bylaw. **(New)**

#### Community Graves

- Section 9. (1) of the existing Bylaw refers to children's community graves. As of 1999 burials in community graves were no longer permitted. **(Updated to reflect current practice)**
- Section 9. (3) of the existing Bylaw which restricts monuments or markers on special graves is no longer applicable as memorialization on community graves is now permitted. **(Updated to reflect current practice)**

### Other

- Section 14. (b) of the existing Bylaw is no longer applicable as the current practice allows monuments on graves in which perpetual care is not paid, such as indigent graves. **(Updated to reflect current practice)**
- Sections 14 and 15 of the existing Bylaw will now be covered in the Monument Regulations, not in the Cemetery Bylaw. **(New)**

If City Council is inclined to support the Bylaw and clause-by-clause debate is not required, the following motion would be in order, while in Committee of the Whole (Bylaws):

*"THAT clause-by-clause consideration of the Bylaw be and is hereby dispensed with and that the said Bylaw be approved in its entirety."*

Once the Bylaw has received 3<sup>rd</sup> reading and come into force, the Bylaw will be posted on the City's website as public information.

### **ATTACHMENTS**

1. Bylaw No. 5611, The Cemetery Bylaw (Proposed Bylaw)
2. Bylaw No. 4457, The Cemetery Bylaw (Existing Bylaw)
3. Dec. 17, 2019 Email Requesting Feedback from Local Funeral Homes

### **REPORT APPROVAL**

Written by: Derek Blais, Director of Parks and Recreation  
Kendra Watterson, Cemetery Administration  
Reviewed by: Tracy Wittke, Assistant City Clerk  
Approved by: Jim Puffalt, City Manager  
Approved by: Fraser Tolmie, Mayor

*To be completed by the Clerk's Department only.*

Presented to Regular Council or Executive Committee on \_\_\_\_\_.

No. \_\_\_\_\_ Resolution No. \_\_\_\_\_

## Report Approval Details

Document Title:	Bylaw No. 5611 - The Cemetery Bylaw - CC-2020-0003.docx
Attachments:	- Attachment 1.pdf - Attachment 2.pdf - Attachment 3.pdf
Final Approval Date:	Jan 16, 2020

This report and all of its attachments were approved and signed as outlined below:

### No Signature found

Raelynn Mechelse

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Tracy Wittke



Jim Puffalt



Fraser Tolmie