

## Appendix B

### The Cemeteries Bylaw No. 2008-27 Proposed Amendments 2022/2023/2024

Current	Proposed	Explanation
<b>Cemeteries Bylaw #2008-27</b>		
<p><b>“authorized decision maker”</b> means the executor or administrator of the estate of a deceased person, or any other person authorized by law to act in the circumstances; and if no one can be located using reasonable efforts, or no one is willing to act or the identity of the deceased is not known, the Director may make any decision required to be made by an authorized decision-maker pursuant to this Bylaw;”</p>	<p><b>“interment rights holder”</b> means the licensee or, if the licensee is deceased, the executor or administrator of the estate of the licensee, or any other person authorized by law to act in the circumstances;</p> <p>*“Licensee, or if the Licensee is deceased, the authorized decision maker” is replaced with “interment rights holder” throughout the bylaw.</p>	<p>Change in terminology for clarifications as “Authorized decision maker” is a term used in another Act for a different purpose. The Director’s authority is moved to subsection 3(2) of the Bylaw.</p>
<p><b>“decoration”</b> means anything placed in the cemetery, whether on a memorial or not, that is not in accordance with the specifications set out in Schedule “C”, such as cut flowers, spiritual or religious objects or mementos;</p>	<p><b>“decoration”</b> means anything placed in the cemetery other than a memorial or an item permanently affixed to a memorial, and includes but is not limited to: artificial or natural flowers, fencing, solar lights, chimes, rocks, flags, stuffed animals and statues;</p>	<p>Clarification to the definition. Decorations do not need to refer to Schedule “C” as this schedule only refers to memorials</p>
<p><b>"Director"</b> means the Director assigned responsibility for City-owned cemeteries by the City Manager and includes anyone acting as his or her designate in carrying out the provisions of this Bylaw;</p>	<p><b>“Director”</b> means the director assigned responsibility for cemeteries by the City Manager and includes any designate of the Director;</p> <p>**“his or her” is also replaced throughout the bylaw.</p>	<p>Gender neutral language.</p>

<b>“human Remains”</b>	New Definition: <b>“human remains”</b> means a dead human body, but does not include cremated human remains;”	Definition as taken from <i>The Cemeteries Act, 1999</i> , for clarification purposes
<b>"interment rights"</b> 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, niche or mausoleum in accordance with this Bylaw and <u>The Cemeteries Act, 1999</u> ;	<b>“interment rights”</b> means the right to use a lot, columbarium or mausoleum for interment in accordance with this Bylaw and <u>The Cemeteries Act, 1999</u> ;	Definition updated to better align with the wording in <i>The Cemeteries Act, 1999</i> .
<b>"license"</b> means the interment rights for a lot or niche within a Cemetery	<b>“license”</b> means the cemetery license agreement granting interment rights within a cemetery;”	Clarification
<b>"Licensee"</b> means a person to whom a license has been issued pursuant to this Bylaw;	<b>“licensee”</b> means a person to whom a license for interment rights in a lot, columbarium or mausoleum was initially issued upon purchase or has been transferred to pursuant to this bylaw;”	Clarification to differentiate the original licensee from their legal representative authorizing an interment
Section 3.  New subsection	(2) Where the Director considers it necessary to make a decision related to a lot, niche or memorial, such as related to repair and maintenance of the lot, niche, memorial or cemetery, and if no one can be located using reasonable efforts or no one is willing to act or the identity of the deceased is not known, the Director may make any decision required to be made by an interment rights holder pursuant to this Bylaw. For greater certainty, this section does not allow the Director to authorize interments, transfers or returns.	This new subsection (2) is moved from the definition of “authorized decision maker” and edited to reflect its original intention.  The existing (2) and (3) are being moved to The Regina Administration Bylaw – see consequential amendments at the end of this table.

<b>Deferred Payment Plan</b>	New Heading for section 4.1	Adds a heading to the existing section
4.1 (2) A person who purchases a license or cemetery goods and services under the Deferred Payment Plan shall also pay the Deferred Payment Administrative Fee set out in Schedule "A".	<p>(2) In order to commence a Deferred Payment Plan the purchaser shall complete the application required by the Director and make an initial payment of 25 per cent of the total fees plus the Administration Fee set out in Schedule "A".</p> <p>(3) Purchasers have 12 months to pay for their purchase in full. Where payment in full is not received within 12 months, the contract is terminated and the purchaser(s) will be entitled to a refund of all monies paid, without interest and less the Administration Fee set out in Schedule "A".</p>	Adds information on current process.
<b>Interments</b>		
<p>5 The Licensee of a lot, niche and, subject to subsections 3(2) and (3), mausoleum or columbarium or authorized decision-maker thereof shall, prior to any interment:</p> <p>(1) provide to the Director a properly authorized burial permit or cremation certificate;</p> <p>(2) complete and submit an application form approved by the Director;</p> <p>(3) pay all required fees in full in accordance with Schedule "A". (#2014-80, s. 13, 2014)</p> <p>(1) The Licensee or authorized</p>	<p>5(1) No interment shall be scheduled or permitted until:</p> <p>(a) all required documentation is completed by the interment rights holder and approved by the City;</p> <p>(b) a license for a lot or niche has been issued or use of a lot, in relation to which a license has previously been issued, is duly authorized by the interment rights holder and all required documentation evidencing the authority with respect to the use of the lot has been submitted and approved by the City; and</p> <p>(c) all required fees are paid.</p> <p>(2) All of the requirements of this section must be met by 12:00pm at least two business days before the proposed date of interment, provided there are no intervening statutory holidays. The following schedule shall apply, subject to any necessary</p>	Adds information on current process.

decision-maker shall give the Director at least two business days notice before the proposed time of interment.

modification for statutory holidays or pressing circumstances:

Date of interment	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Application complete	Thursday	Friday	Monday	Tuesday	Wednesday	Thursday	Thursday

The notice requirement may be amended by the Director to accommodate a pressing circumstance which does not include late or incomplete submission of documents.

(3) Interment arrangements with respect to dates, times and site locations are the sole responsibility of the interment rights holder; the City shall be entitled to rely on the documentation signed off by the interment rights holder or funeral home.

#### **Required Documentation**

6(1) The following documentation shall be submitted before an interment will be permitted:

- (a) Signed Interment Order in the form required by the Director, if using a funeral home;
  - (b) for traditional casket burials, the original burial permit;
  - (c) for interment of cremated remains, the original cremation certificate;
  - (f) any other documentation that may be required by the City in relation to the interment.
- (2) If the licensee of the lot is deceased and is not the subject of the interment, interment in the licensee's lot will only be permitted if not contrary to

	<p>any instructions provided to the City in writing by the licensee and authorized by an interment rights holder of the licensee as evidenced by submission of the following documentation to the City:</p> <ul style="list-style-type: none"> <li>(a) if an executor, will or letters probate;</li> <li>(b) if an administrator, letters of administration as defined in The Administration of Estates Act;</li> <li>(c) if an executor is acting for another executor who is deceased pursuant to section 18.1 of The Administration of Estates Act, will or letters probate for both the deceased licensee;</li> <li>(d) if another person authorized by law, documentation sufficient to verify the legal requirements of the authorizing law have been met;</li> <li>(e) death certificate of the licensee unless the City's records reflect that the licensee is interred in the Cemetery;</li> <li>(f) death certificate of executor if proposed executor is an alternate as set out in the will or letters probate or in the circumstances described in (c),</li> <li>(g) photo identification; and</li> <li>(h) any additional documentation required by the Director to verify the authority of the interment rights holder to act in the circumstances.”</li> </ul>	
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<b>Interment of Indigent Persons</b>		
(3) No one may install a memorial on a lot utilized for the interment of an indigent person until the Care and Maintenance Fee as set out in Schedule "A" has been paid.	Change: 13.1 (3) No one may install a memorial on a lot utilized for the interment of an indigent person until the Care and Maintenance Fee <b>and applicable Memorial Fees</b> as set out in Schedule "A" have been paid.	This fee may also apply when someone requests to install a memorial
<b>Disinterments</b>		
<p>The disinterment of human remains, shall be permitted only:</p> <ul style="list-style-type: none"> <li>(a) by order of the Chief Coroner;</li> <li>(b) upon issuance of a disinterment permit from the Minister of Health or his or her designate issued pursuant to an application under <u>The Public Health Act, 1994</u> and the <u>Disease Control Regulations</u>; or</li> <li>(c) where <u>The Public Health Act, 1994</u> does not apply, upon application by the authorized decision-maker in the form prescribed by the Director;</li> </ul> <p>and upon payment of the required fee as set out in Schedule "A" and subject to any conditions as determined by the Director.</p>	<p>14(1) The disinterment of human remains shall be permitted only:</p> <ul style="list-style-type: none"> <li>(a) in accordance with requirements of this section and all other applicable laws, including but not limited to: <u>The Cemeteries Act, 1999</u>, <u>The Public Health Act, 1994</u> and <u>The Coroners Act, 1999</u> and the regulations to those Acts.</li> <li>(b) subject to (c), upon issuance of a disinterment permit pursuant to <u>The Public Health Act, 1994</u> or by order of the Chief Coroner;</li> <li>(c) where <u>The Public Health Act, 1994</u> does not apply, the interment rights holder shall submit a disinterment application to the Director for approval;</li> <li>(d) upon payment of the required fee as set out in Schedule "A"; and</li> <li>(e) subject to any conditions as determined by the Director.</li> </ul>	Clarification on current process

<p>A person making an application pursuant to subsection (1) shall ensure that a licensed funeral director is present during the disinterment for the handling and transportation of the human remains.</p>	<p>(2) The removal of cremated remains from any lot or niche for any reason is subject to subsection (1).</p> <p>(3) Human remains will not be handled by City staff. All applications for disinterment of human remains must be through a licensed funeral home or other person authorized by law to handle human remains. The interment rights holder shall be responsible to ensure that a licensed funeral director or other person authorized by law to handle human remains is present at all times for the disinterment and transportation of human remains.”</p>	
<p><b>License Returns</b></p>		
<p>(5) Upon return of an unused niche or lot, the Licensee or authorized decision-maker as the case may be, shall be entitled to the following:</p> <ol style="list-style-type: none"> <li>1. for lots or niches with the care and maintenance fee prepaid: <ol style="list-style-type: none"> <li>a) 85% of the original fee paid including the care and maintenance; or</li> <li>b) if original proof of purchase price cannot be located or otherwise determined then a refund of \$75.00 will be provided.</li> </ol> </li> <li>2. for lots without the care and maintenance fee prepaid: <ol style="list-style-type: none"> <li>a) 85% of the original fee paid; or</li> <li>b) if the original proof of purchase price cannot be located or otherwise determined then no refund will be</li> </ol> </li> </ol>	<p>15.1 (5) and (6) are replaced with:</p> <p>(5) Upon return of an unused lot or niche, the interment rights holder shall be entitled to 85% of the original fee paid less the license transfer fee and any applicable fee for removal of a foundation or marker.</p> <p>(6) Upon return of a used niche, the interment rights holder shall be entitled to 85% of the original fee paid less:</p> <ol style="list-style-type: none"> <li>(a) the license transfer fee;</li> <li>(b) 10% of the original fee paid for each full or partial calendar year the niche was occupied;</li> <li>(c) any applicable fee to replace a memorialized door, which must be obtained only through the cemeteries office in order to maintain consistent design.”</li> </ol>	<p>Clarification on current process</p>

<p>provided; the lot can be surrendered to the City at no cost to the Licensee or authorized decision-maker.</p> <p>(6) Upon return of a used niche the Licensee or authorized decision-maker as the case may be, shall be entitled to 85% of the original fee paid, less 10% of the original fee paid for each full or partial calendar year that the niche was occupied</p>		
<b>Memorial Applications</b>	New Section	
No Information currently	<p><b>Memorial Applications</b></p> <p>20(1) No memorial or memorialization shall be installed until an application in the form approved by the Director has been submitted and approved in writing by the City and all applicable fees are paid.</p> <p>(2) An application for memorial installation or memorialization shall:</p> <ul style="list-style-type: none"> <li>(a) be submitted by the memorial supplier;</li> <li>(b) include the site location, memorial type(s) and dimensions; and</li> <li>(c) any additional information required by the Director.</li> </ul> <p>(3) Memorials and memorialization without prior written approval will not be permitted to be installed.”</p>	Adds information on current process



<b>Memorial Installation</b>	<b>New Section</b>	
No Information currently	<p><b>Memorial Installation</b></p> <p>21 (1) No one may install a memorial or make any alteration to any structure in a Cemetery for any lot, niche or mausoleum for which the Care and Maintenance Fee has not been paid until such fee is paid to the City in full.</p> <p>(2) All memorials and memorialization shall be in accordance with the specifications set out in Schedule “C” and Schedule “D”.</p> <p>(3) Memorials or memorialization that do not comply with the provisions of this bylaw will not be permitted to be installed. It is the responsibility of the purchaser of the memorial or memorialization to ensure it complies with the requirements of this bylaw.</p> <p>(4) It shall be the responsibility of the memorial supplier to restore the landscaping surrounding a newly installed memorial to the satisfaction of the Director.</p> <p>(5) After a memorial or memorialization has been installed, the City will perform an inspection to verify that it complies with all of the specifications in Schedule "C" and Schedule “D” and that the surrounding landscaping has been restored. If a memorial or memorialization is found to be non-compliant or the landscaping has not been restored the memorial supplier shall be notified of the deficiency and required to remove the memorial or memorialization or restore the landscaping, as the case may be, at the cost of the memorial supplier.</p>	<p>Adds information on current processes as well as actions to be taken for non-conforming memorials. Non-conforming memorials will no longer be an option subject to approval. Memorial specifications are set out in Schedule “C” and Schedule “D”</p>

	(6) Every memorial supplier who receives a notice of non-compliant memorial or memorialization pursuant to subsection (4) shall remove the memorial within 30 days of the notice. Should the supplier fail to remove the memorial the City may remove the memorial pursuant to section 21.2 and seek recovery of the costs of removal from the supplier	
<b>Memorial Maintenance</b>	New Section	
No Information currently	<p><b>Memorial Maintenance</b></p> <p>21.1 Memorials and memorialization are the personal property of the interment rights holder for the lot. The interment rights holder is responsible at all times for the condition of the memorial and memorialization. The City is not obligated to report or repair any vandalism or damage caused by natural causes, third parties or unknown causes.</p>	Adds information on current process
<b>Memorial Removal</b>	New Section	
No Information currently	<p><b>Memorial Removal</b></p> <p>21.2(1) The City shall have the right to remove, repair or put into a safe state without compensation to any person, any memorial or memorialization that:</p> <p>(a) does not meet the specifications set out in this bylaw;</p> <p>(b) in the City’s opinion is unsafe; or</p> <p>(c) in the City’s opinion is not compatible with community standards.</p> <p>(2) memorials or memorialization shall be subject to the specification requirements in place at the time they were installed. If a non-conforming memorial or</p>	Adds information on current process

	<p>memorialization is replaced, it must meet the specifications in place at the time of installation.</p> <p>21.2 If a niche replacement door is required for any reason, the niche replacement door must be purchased through the Cemeteries Administration Office.”</p>	
<p>22</p> <p>(1) Anyone who wishes to place a Type memorial as set out in Schedule "C" shall:</p> <p>(i) apply to the Director in writing for approval; and</p> <p>(ii) provide plans showing the dimensions and design of the proposed memorial.</p> <p>(2) The Director may, in his or her sole discretion, approve or deny the application.</p>	Section 22 is repealed	Non-conforming memorials will no longer be an option subject to approval. Memorial specifications are set out in Schedule “C” and Schedule “D”
<b>Decorations</b>	Add: New Heading	Decorations should be separated from memorials as they are two different items
<p>27</p> <p>(2) No person may, in a Cemetery:</p> <p>(i) place any plant material; or</p> <p>(ii) construct any fence, railing, trellis or coping.</p>	<p>(i) and (ii) are repealed and replaced with:</p> <p>(2) No person may, in a Cemetery:</p> <p>“(i) place any plant material;</p> <p>(ii) place any decoration except on a lot, niche or memorial;</p> <p>(iii) place or construct any fence, railing, trellis, coping or other structure.”</p>	Clarification on current process

28	<p>Section 28 is repealed and replaced with:</p> <p>28      (1)      The Director may remove and dispose of any decoration at any time without notice. The City shall not be required to retain any decoration left at the cemetery.</p> <p>             (2)      Decorations that are removed and considered to be of value by the Director will be stored for 30 days then disposed of in accordance with section 362.1 of <i>The Cities Act</i>.</p> <p>             (3)      The City shall not be required to compensate any person for removal and disposal of decorations left at the cemetery.</p>	Replaced by new section on memorials/removal of them Current section 29.1 deals with removal of decorations. Provides clarification on current processes
29.1	Section 29.1 is repealed	Information moved to relevant Sections 27 & 28
30	Section 30 is repealed	Information moved to relevant Section 21(1)
<b>Offenses and Penalties</b>		
new	<p>39      (4)      No person shall advertise, host or carry on any tour, event or commercial activity to be held in a cemetery or offer any goods or services in a cemetery except pursuant to a written contract between the City and the person.</p>	This language will be consistent with our Cemetery Tours and Event Policy currently being developed

<b>Consequential Amendments</b>		
<p><b>“Cemetery Agreements</b></p> <p>#. (1) The City Manager or designate is delegated the authority to negotiate and approve on behalf of the City an agreement with any person for the construction, purchase and maintenance of, columbaria, lots, mausoleums or memorials for the exclusive use of that person or an agreement setting aside an area of the cemetery as a designated area.</p> <p># (2) Notwithstanding any fee set out in <i>The Cemeteries Bylaw, 2021</i>, the City Manager is delegated the authority to negotiate and approve fees and charges in relation to: cemetery license, memorials and memorialization, care and maintenance and lot or niche purchases as part of the agreement in subjection (1).</p>	No wording changes. Moving to the Administration Bylaw	These sections are moved into the Administration Bylaw for consistency with other contract approval delegations
<b>Schedule “A” Fees and Charges</b>		
Oversize opening for casket interment	New Fee \$400	In order to accommodate for the additional time and manpower it takes to dig a wider hole, a similar charge like we have for an oversize urn should be charged.
Disinterment Infant Casket (up to 2 feet) or infant cremated remains	New Fee \$585	Currently we charge the cremation disinterment fee. This new fee will be slightly cheaper than the cremation disinterment fee.

Disinterment Cremation (Niche)	New Fee \$210	Currently we charge the cremation (niche) interment fee. It is a similar process as interring, it should be reflected in service fees.
Purchase and Installation of Precast Monument Foundation (child)	New Fee \$245	The foundations for a child lot are much smaller than a foundation for an adult traditional lot. As such there should be a lower associated fee instead of charging the adult fee.
Maintenance Domes (2021 Prices)  Maintenance Dome/Adult \$280 Maintenance Dome/ Base/Adult \$137 Maintenance Dome/Child \$129	Increase Fees by more than 4%  Maintenance Dome/Adult \$330 Maintenance Dome/ Base/Adult \$147 Maintenance Dome/Child \$142	Our supplier increased prices between 7% and 17% for 2022, due to rising COVID costs, our fees will need to increase accordingly
<b>Schedule “C” Memorials and Memorialization of Burial Lots</b>		
Flat Marker Memorials	New: <b>(4) Restriction:</b> (a) Flat memorials must be one solid piece of granite	This is to specify that a flat memorial must be one solid piece of granite and not pieces of granite glued together, which can be susceptible to breaking when equipment drives on
Child Memorials	Change: Separated Infant Memorials under its own heading	

	New: <b>(1) Restriction:</b> (a) Child Lots without a strip foundation will be subject to monument foundation fees in order to install a headstone	Adds information on current process
Infant Memorials	New: (b) Infant Memorialization in Block 111R and 111S includes name engraving on a shared infant memorial at no additional fee	A new type of group memorial was installed in 2020 and 2021 to allow for name engraving at no additional fee to the families
Upright Memorials  Ceramic plaque can be affixed to the Top of the memorial with a maximum size of 10.1 cm (4”) wide x 12 cm (4 ¾”) high.	Repeal and Replace:  Ceramic plaque can be affixed to the Top of the memorial with a maximum size of 17.8 cm (7”) x 12.7 cm (5”).	A larger plaque size has been desired from the public and monument companies. As the uprights can be much larger memorials, administration agrees this can be accommodated in the options area of the cemetery only
Type 3 Memorials  Type 3 Memorials include any memorials not covered by Type 1 or 2. Type 3 Memorials will be allowed only in accordance with sections 23 to 25. The specifications of Type 3 Memorials also apply to mausoleums.	Remove	There is no consistency or guidelines as to why a non-conforming memorial should be approved or denied. Schedule “C” and Schedule “D” outline detailed specifications to be followed to ensure consistency, safety to visitors and staff and allow for operational accessibility.
<b>Schedule “D” Memorialization on Columbarium Niches</b>		
1. Prairie Lane (1, 2, 3)	Add: 6. Prairie Lane (1, 2, 3, 4, 5, 6, 7 )	New units were installed in 2019 and 2020

Memorials Walls	<p>New:</p> <p>Add:</p> <p><b>Prairie Lane (Columbarium 4)</b></p> <p>Method: Granite plaque; must be purchased from Cemeteries Administration</p> <p>Lettering: Modified Roman</p> <p>Plaque: 10.1 cm (4") wide x 7.5 cm (3") high</p> <p>Placement: Inset into the columbarium wall</p> <p>Vases: Not Permitted</p> <p>Ceramic Plaques: Not Permitted</p>	The new plaque wall is located on columbarium 4, which was installed in 2019