

**TOWN OF HERBERT
BYLAW NO. 2025-02**

**A BYLAW OF THE TOWN OF HERBERT
TO PROVIDE REGULATIONS FOR THE USE, CARE, AND
MAINTENANCE OF THE HERBERT CEMETERY**

**THE COUNCIL OF THE Town of Herbert, in the Province of Saskatchewan,
enacts as follows:**

SCOPE

1. This Bylaw shall be cited as the “CEMETERY BYLAW”.
2. This Bylaw shall apply only to the burial of dead human remains in Herbert Cemetery, the location of which is contained in the Burial Section of this Bylaw and the regulations pertaining to the operation of the Cemetery and the enforcement of regulations as set out in this Bylaw.

DEFINITIONS

1. For the purpose of this Bylaw, the following definitions shall apply:
 - a) ADMINISTRATOR – shall mean the Chief Administrative Officer appointed by the Town Council and for the purposes of this Bylaw shall include any person appointed by the Chief Administrative Officer from time to time, to act on his/her behalf in the administration of the Bylaw.
 - b) CEMETERY – means Herbert Cemetery.
 - c) COUNCIL – means the Council of the Town of Herbert.
 - d) CREMAINS – means the remains of a body that has been cremated.
 - e) GRAVE – means a grave approximately 2 meters in depth.
 - f) GRAVE COVER – means a cover of fiber glass, plastic, marble, granite, or concrete placed over the interred remains.
 - g) GRAVE MARKER – means a flat or upright marker bearing the name of the interred deceased person for memorial purposes.
 - h) GRAVE STONE – means an upright marble, granite, stone, or concrete monument erected on any lot or plot for memorial purposes.

- i) NICHE – means a compartment in the columbarium for the purpose of the interment of not more than two cremated human remains.
- j) PLOT – means a subdivision of land for the purpose of a single burial of non-cremated human remains or the burial of not more than two cremated human remains with or without non-cremated human remains.
- k) TOWN – means the Town of Herbert, Saskatchewan.

BURIAL SECTION

Sections of the Cemetery shall be set out for burials as follows:

- 1. Block 108, Plan 00SC14716 Title #144712964 shall be cited as PHASE ONE or the OLD CEMETERY.
- 2. Block D, Plan 101780782, Ext. 17 Title #151436987 shall be cited as PHASE TWO or the CURRENT CEMETERY.
- 3. Lot 1, Block 1, Plan B3773, Ext. 54 Title #151436336 shall be cited as PHASE THREE or the NEW CEMETERY.

GRAVES, BURIALS, AND RESERVATIONS

- 1. A person may reserve a plot or plots by paying in full at the Town Office, the purchase price of \$300.00 per plot. The plot may be used for one body and as many as two cremains at an additional cost of \$150.00 for each cremains. Cremains are allowed at the foot and at the head of the plot and once cremains are interred a body cannot be. A niche in the columbarium may be reserved for the purchase price of \$800.00 per niche.
- 2. A plot may be used for the burial of one body, so that the top of the outer burial container is at least one meter below the surface of the grave.
- 3. Cremains may be interred in any individual lot of the cemetery so that the top of the outer burial container is at least one meter below the surface of the grave. No more than one body and two cremains shall be allowed per plot.
- 4. A niche may be used for the interment of not more than two cremated human remains.
- 5. A purchaser of a plot or niche desiring to transfer ownership rights to another party must notify the Town in writing before the transfer will be validated.

6. A purchaser wishing to transfer ownership rights back to the Town of Herbert may do so by making written application to the Town of Herbert. In exchange for the ownership rights, the original purchaser shall receive a payment not to exceed 50% of the original purchase price.
7. No burials shall be permitted in the Old Cemetery, except for the following:

Bob & Loreen Harrison	Section 12	Plot 14	Cremation
Murray & Merle Harrison	Section 12	Plot 23	Cremation
Lois Mabbs	Section 15	Plot 17	

There is a cedar box (cremation) in Lois's plot which will have to be lifted when the grave is opened and then replaced.
Any other reserved plots as approved by the Town Office.

TRAFFIC

1. Vehicles being operated within the confines of the Cemetery shall not travel at a speed greater than twenty (20) kilometers per hour.
2. No person, except those employed in the performance of their duties shall drive a vehicle on any part of the Cemetery other than on a roadway provided for that purpose.

GRAVE MARKERS AND GRAVE COVERS

1. Grave covers will not be permitted in any section of the cemetery excepting those already in place.
2. Flat and upright grave markers of granite, marble, ionite or any durable, non-corrosive material may be installed.
3. Grave markers shall have a finished, grass level stone or cement base (mow strip) extending outward from the outer perimeters of the marker for at least four inches (4"). The mow strip shall remain clear of any obstacles such as holders or receptacles for flowers.
4. Grave markers shall be placed at the head of the grave on the approved base in a straight, continuous row.
5. Any inscription with the names of the deceased on all grave markers or monuments shall be positioned on the marker so that a person may be able to read it when facing east.
6. The Town of Herbert reserves the right to remove any grave cover that:

- a) Is deemed unsightly and
- b) Is at least ten (10) years old and is damaged

The grave cover shall be treated as a disposable item and shall be disposed of in a manner consistent with the common disposing practices of the Town of Herbert.

COLUMBARIUM PLATES

1. Family names shall be written across the top of the plate in 1 ½ inch modified Roman (condensed) font. All other printing on the plates shall be in modified Roman (condensed) font. Tasteful pictures may be engraved on plates.
2. The Town of Herbert has final approval on all engraving done on columbarium plates.

INTERMENT

1. Any person applying for interment in the Cemetery shall furnish the Administrator with such particulars as he/she may require for the purpose of maintaining the records.
2. The funeral home or family desiring to have a grave dug shall notify the Administrator and make arrangements for the purchase of a plot (unless a plot has already been purchased).

GENERAL REGULATIONS

1. No grave shall be opened and no disinterment shall take place unless a written permit is obtained from the Minister of Public Health. Whenever a body is permanently disinterred from a grave and the grave is vacated, ownership rights of the lot so vacated shall revert to the Town of Herbert.
2. No fences or boundary markers around a grave or graves shall be permitted.
3. All persons employed in the construction and/or installation of burial vaults, grave markers or in doing any other work on lots or graves in the Cemetery shall be subject to the direction and control of the Administrator, and in the case of any such person or persons refusing to obey the directions or orders of the Administrator, the Administrator shall be empowered to remove such person or persons from the Cemetery.
4. The Town shall have the right to remove from any lot weeds, grass, or any article which is deemed unsightly.
5. The Administrator, or any Town employee in his/her charge, shall be empowered to remove from the Cemetery any person or persons disturbing the quiet and good order of the Cemetery by noisy or improper conduct or language.

6. All work in the immediate vicinity that may disrupt the quiet and good order of the Cemetery shall cease while mourners are present at a burial service being conducted at the Cemetery.
7. No person shall write upon, mark, scratch, deface or injure any lot, grave marker, fence building or any structure in or around the Cemetery. Any person found guilty of such damage shall be responsible for the cost of repairing the damage and be subject to the penalty imposed in this Bylaw.
8. All notices and communications required to be given to purchasers of a plot or niche, or their heirs may be delivered either in writing by Registered Mail to their last known address or given verbally by the Administrator in the presence of another person and shall be considered sufficient evidence that such notices have been given.

PENALTY

Any person found guilty of an infraction of this Bylaw or any part thereof, shall be liable on summary conviction, to the penalties prescribed by the General Penalty Bylaw of the Town of Herbert (Bylaw 2006-15).

Bylaw 2013-12 and Bylaw 2019-02 is hereby repealed

READ THREE TIMES AND passed by the Council of the Town of Herbert, in the

Province of Saskatchewan, this 24th day of February, 2025

{Mayor}

SEAL

{Administrator}