

Rewrite of The Cemetery Bylaw, 1984

ISSUE

The Cemetery Bylaw, 1984 (Bylaw) is outdated and requires comprehensive amendments. This report proposes repealing and replacing the Bylaw.

RECOMMENDATION

That the Standing Policy Committee on Planning, Development and Community Services recommend to City Council that:

1. The proposed amendments to Bylaw No. 6453, The Cemetery Bylaw, 1984 and any necessary consequential amendments to other bylaws be approved;
2. City Council instruct the City Solicitor to repeal and replace Bylaw No. 6453, The Cemetery Bylaw, 1984 with a new cemeteries bylaw;
3. City Council instruct the City Solicitor to prepare any necessary consequential amendments to any other City bylaw;
4. City Council instruct the City Clerk to make any necessary consequential amendments to City Council policies; and
5. City Council instruct the City Clerk to repeal The Cemetery Bylaw Regulations once Bylaw No. 6453, The Cemetery Bylaw, 1984 has been repealed and replaced.

BACKGROUND

[Bylaw No 6453](#), The Cemetery Bylaw, 1984 (Bylaw) was enacted in March of 1984. Subsequent to its enactment, *The Cemeteries Act, 1999* came into force, which regulates cemeteries in Saskatchewan. In 2022, a Cemetery Master Plan was created to guide the future development and management of the City's cemeteries. Apart from amendments to fees, the Bylaw has not been substantially amended since its original enactment.

DISCUSSION/ANALYSIS

Due to the number of changes required, a repeal and replace of the Bylaw, rather than an amendment, is recommended. Proposed amendments are outlined in Appendix 1 – Proposed Amendments to The Cemetery Bylaw, 1984.

Section 7 of Appendix 1 proposes adding provisions to the Bylaw respecting green burials, in line with one of the recommendations of the Cemetery Master Plan. Recommendations of the Green Burial Society of Canada, along with a summary of green burial procedures in other municipalities, is provided in Appendix 2 – Green Burial Society of Canada and Municipal Scan.

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During the drafting process, it may be identified that consequential amendments to other City bylaws are needed as a result of the enactment of a new cemeteries bylaw. For example, *The Animal Control Act, 1999* currently establishes rules respecting dogs in cemeteries, and that bylaw will need to be consistent with current cemetery practices. Other bylaws that reference the Bylaw by name may simply need to be updated to refer to the name of the new cemeteries bylaw. Similarly, there may be necessary consequential amendments to City Council policies that address cemetery matters, such as [City Council Policy No. C09-027](#), the Gifts and Memorial Program.

As discussed in Section 3 of Appendix 1, The Cemetery Bylaw Regulations (Regulations), which attach to the Bylaw, but do not form part of the Bylaw, will be repealed. Provisions of the Regulations will either be incorporated into the new bylaw or moved to a separate policy document.

It is proposed that the new bylaw be presented to City Council after fees for the years 2024 and 2025 have been set (fees are expected to be presented to City Council in Fall 2023), so these fees may be included in the new bylaw. It is further proposed that the new bylaw come into force on January 1, 2024, for operational purposes, as well as to allow for the fees for the year 2023 to be excluded from the new bylaw.

FINANCIAL IMPLICATIONS

Signage referring to the Bylaw by its current name or number does not exist, so no signage will need to be updated as a result of the Bylaw being repealed and replaced. A sign may be posted at the entrance of the cemetery to identify rules respecting photography; the fee for this sign would be nominal.

OTHER IMPLICATIONS

No other implications have been identified.

NEXT STEPS

Upon approval by City Council, the City Solicitor will prepare a new cemeteries bylaw, as well as any necessary consequential amendments to other City bylaws. The City Clerk will make any necessary consequential amendments to City policies, as well as repeal the Regulations.

APPENDICES

1. Appendix 1 – Proposed Amendments to Cemetery Bylaw April 14
2. Appendix 2 – Municipal Scan – Green Burials – April 14

REPORT APPROVAL

Written by: Chris Zerebeski, Superintendent, Parks
Reviewed by: Konrad Andre, Operations Manager, Parks
Darren Crilly, Director of Parks
Approved by: Lynne Lacroix, General Manager, Community Services