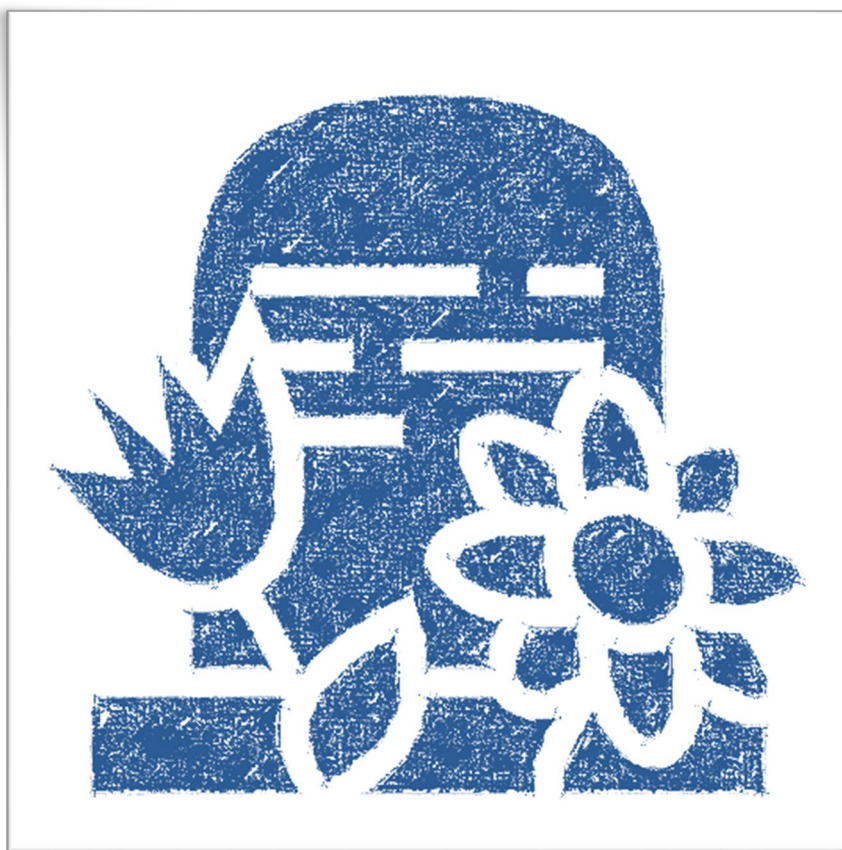


Cemeteries

A Quick-Start Guide to Creating, Expanding, and
Maintaining your Northern Municipal Cemetery
or Historic Cemetery



Information consolidated from various sources by Northern Municipal Services. 2022.

Table of Contents

Purpose of this Guide.....	2
In General.....	3
Planning a New or Expanded Cemetery	4
Registering a Cemetery or Cemetery Expansion	8
Administration and Record Keeping	9
Assessment and Taxation	9
Care, Maintenance and Cemetery Preservation	10
Closing a Cemetery or Transferring Ownership of a Cemetery.....	11
Resources	11

Appendices

Appendix A: Cemetery Bylaw Template

Appendix B: Administrative Cemetery Policy [coming soon]

Appendix C: Sample Administrative Forms [coming soon]

Purpose of this Guide

While it may be uncomfortable to talk about cemetery planning and management, it is something that northern municipalities, residents, family members, and other stakeholders should plan for in order to respectfully care for their loved ones and community history.

The purpose of this “quick-start” guide is to point northern municipalities to resources that will help them fulfill their legislative responsibilities and to highlight things to think about when creating, closing, expanding, administering, and caring for an active municipal cemetery or historic cemetery.

This guide does not provide specific details for each process, replace seeking professional advice or replace a municipality’s responsibility to meet all legislative requirements.

Most information in this guide was collected from the following three guides. Please refer to them for more details (these guides can also be found on the Financial and Consumer Affairs Authority (FCAA) [website](#)):

- [Guidelines for the Establishment of Cemeteries](#)
- [Operating Your Small Cemetery: A Primer for Saskatchewan Cemeteries](#)
- [Saskatchewan Historic Cemetery Preservation Guide](#)

A firm with cemetery planning experience can also be hired to prepare a cemetery plan, cemetery bylaw and cemetery administration policy. A sample cemetery bylaw is also found at the end of this guide.



Cumberland House Cemetery

In General

- **Creating and expanding a cemetery and cemetery operations** are governed by provincial legislation under [The Cemeteries Act, 1999](#) (the Act) and [The Cemeteries Regulations, 2001](#). The [Financial and Consumer Affairs Authority](#) (FCAA) is the Crown agency responsible for these Acts.
- **Cemetery bylaw requirement:** while the Act does not require a municipality to have a cemetery bylaw, a cemetery bylaw and complimentary administrative policy is recommended to manage a cemetery effectively and respectfully.
- **The pre-burial process** is governed by [The Funeral and Cremation Services Act](#). An important regulation in this Act is section 91 which sets out, in order of priority, who the authorized decision-maker is with respect to burial decisions. This is the only person that can confirm burial decisions with a funeral home and should be the only person that the municipality takes direction from with regards to lot administration of the deceased person.
- **Related legislation:** death certificates, dis-internments, burials of unidentified persons, and other related matters are governed under [The Vital Statistics Act, 2009](#), [The Public Health Act, 1994](#), and [The Coroners Act, 1999](#) and are also summarized on the [Financial and Consumer Affairs Authority](#) website.
- **Cemetery registration:** under the Act, all new or expanded commercial, non-commercial or any other not-for-profit cemetery, columbarium or mausoleum must be registered (this includes but not limited to cemeteries on family farms, those operated by religious organizations or community groups, and those owned by municipalities). See the “*Registering a Cemetery or Cemetery Expansion*” section on page 8 of this guide for more information on how to register a new or expanded cemetery and what supporting documents are required.
- **Municipal obligations:** obligations of cemetery owners under the Act are summarize on the FCAA website [here](#) under Obligations. Legislated responsibilities include such things as maintenance, administration, record keeping, cemetery closure or abandonment, disinterment, and minimum burial depth. Other cemetery requirements are found on the FCAA website [here](#) under General Information.

Under *The Cemeteries Act, 1999*, a **cemetery** means any land or place that is set apart or used as a place of interment and that is approved as a cemetery pursuant to the Act and includes any buildings that are incidental or ancillary to that land or place. Under the Act, burials can only occur in a cemetery, columbarium or mausoleum.

Points to Consider When Planning a New or Expanded Cemetery

- **Registration:** New or expanded cemeteries must be registered through the FCAA. See the “*Registering a Cemetery or Cemetery Expansion*” section on page 8 for more information on how to register a new or expanded cemetery and what supporting documents are required.
- **Confirm legal land description and land ownership:** it is important to confirm the legal land description of the cemetery (e.g. lot/block/plan) and who the legal owner of the land is. These are important pieces of information that will be required when registering a new or expanded cemetery.

You may want to hire a professional firm that with experience in cemetery planning to make sure that your municipal cemetery complies with legislation, follows industry standards for such things as lot sizes, internal road widths and setbacks, and has sound administrative procedures in place.

“How do I confirm the legal land description and landowner?”

You should have the legal land description of the cemetery and who owns the cemetery land in your tax roll. If not, a public website called [SaskInteractive](#) allows you to view what parcel the cemetery is on and provides a link to land ownership on the [ISC](#) website (land titles). Note: you need a free ISC account to view land ownership information. If you do not have an ISC account, you will have to create one first. If you need help with using SaskInteractive, please contact Northern Municipal Services. If you need help setting up an ISC account, please contact ISC.



La Loche Cemetery

“I thought the Village owned the cemetery land but it turns out that the land is owned by the church, now what (or vice versa)?”

- If the village administers the burials but does not own the land, it could offer to buy or lease the land from the church or, if the church still wants to maintain ownership of the cemetery, the village could enter into an agreement with the church to provide cemetery administration on their behalf.
- If the church administers the burials but the village owns the land, it is recommended that the village enter into a lease agreement with the church.

Signing a lease agreement in either case is recommended in order to address maintenance costs, liability, and confirm legislative responsibility. Your legal counsel can help you with this task.

☐ **Location planning:**

- While this is not always possible, a new or expanded cemetery should be adjacent to the current cemetery. Select a realistic area large enough to accommodate the anticipated number of burials over a lengthy timespan.
- Ideally, there should be a dedicated green space buffer between a cemetery and residential, commercial, or industrial uses. Cemeteries are a place of quiet reflection; commercial or industrial activities, or being located too close to a busy road, might disturb the peaceful atmosphere of the cemetery.
- Overall, choose a location that is quiet, easily accessible by road and that has enough on-site parking for visitors.

- ☐ **Subdivision:** if a new parcel is being considered, a subdivision application must be submitted to the Community Planning branch, Ministry of Government Relations. For more information on the subdivision application process visit the [Community Planning branch](#) website.

The division of the cemetery into individual burial lots does not require subdivision approval, only the subdivision of the larger cemetery parcel. A professional land surveyor can be hired to draft a cemetery site plan and stake the corners of each burial lot to ensure that the extent and location of a lot is known before excavating.

- **Expansion of an existing cemetery:** cemeteries can expand onto adjacent land, however:
- if the adjacent parcel is privately owned, the municipality should offer to purchase the property or else find an alternate location for the cemetery. Entering into a lease agreement with a private landowner is not recommended as the lifespan of a cemetery is quite long (possibility forever).
 - if the adjacent parcel is quite large and owned by the village, council should subdivide an area sufficiently large enough to accommodate future expansion of the cemetery, leaving the remainder parcel available for future development. See the “*Subdivision*” bullet on the previous page for more information on the subdivision process.
 - if the adjacent parcel is an appropriate size to accommodate the entire future expansion of the cemetery, council can choose to [consolidate](#) both parcels into one new parcel or leave each parcel on their own.
 - expanding onto dedicated land: expanding onto existing Environmental Reserve (ER) is usually not advised as ER is usually land that has some sort of physical development constraint such as bedrock, muskeg, or flooding, making burials challenging.



St. Leo the Great Roman Catholic Cemetery, Buffalo Narrows

- **Setbacks:** the Act has a number of cemetery setbacks that must be followed, such as the setback from a municipal road, provincial highway, landfill, and from a grave to a cemetery building. The Act also sets out specifications for internal roads widths and walkways. [*The Guidelines for the Establishment of Cemeteries in Saskatchewan*](#) summarizes the required setbacks from the Act and regulations.
- **Physical constraints:** avoid land where physical constraints might make burials challenging, such as bedrock, muskeg, or flooding.
- **Zoning:** cemeteries must be a permitted use in the zoning district where the cemetery is proposed to be located (or approved as a discretionary use by council), otherwise a zoning bylaw amendment is required. Depending on the circumstances, an Official Community Plan amendment may also be required.
- **Internal cemetery lot division:** the Act has no requirements for the size of a casket lot or cremated lots. Industry standards for casket lots usually range from 0.9m to 1.2m (3' to 4') wide by 2.4m to 3.0m (8' to 10') long and 12" x 12" for cremation lots. Older cemeteries may have existing lots that are smaller.
- **Cemetery name:** when registering your new cemetery online you will be asked for the name it will be commonly known as, so council should pass a resolution adopting a cemetery name before starting the registration process.

If you rename your registered cemetery, make sure to update its new name through the FCAA's online Registration and Licensing System (RLS) (see the section on the next page, "*Registering a Cemetery or Cemetery Expansion*") and the [Saskatchewan Genealogical Society](#) (SGS).

- **Unmarked graves:** it is not unusual for unmarked graves to be found in older cemeteries, communities with a residential school history, or communities that were affected by disease epidemics early in their history. This possibility should be taken into consideration with local knowledge when planning a new or expanded cemetery. For example, older grave markers are often made of wood or other material that easily deteriorates over time. Graves may also have been marked with a simple stone which moved over time. Some graves might have also been purposely unmarked and located at the edge of cemetery, or just beyond the cemetery, for reasons reflecting attitudes at the time such as religion (e.g. not Catholic, Anglican, etc.) or cause of death (e.g. suicide).

A municipality can consider hiring a private firm that specializes in ground penetrating radar (GPR) to survey their existing cemetery or specific community locations for unmarked graves before selecting a cemetery location or confirming a cemetery lot plan.

Registering a Cemetery or Cemetery Expansion

- ☐ *The Cemeteries Act, 1999* (the Act) requires all non-commercial cemeteries, including any cemetery expansions, to be registered on-line through the Financial and Consumer Affairs Authority's (FCAA) [Registration and Licensing System \(RLS\)](#). A user guide on how to fill out the application is also found at the link above under "[Non-commercial Cemeteries Guide](#)". It is a good idea to read the user guide first before starting the registration process to make sure you have all the required documents and are aware of the other questions on the application. Updates to municipal contact information and cemetery name are also done by logging into the RLS. The user guide includes a phone number to call if you run into any issues using the RLS.
- ☐ Historic cemeteries are not required to be registered through the FCAA, but the FCAA encourages owners of active and historic cemeteries to keep their cemetery information up-to-date with the [Saskatchewan Genealogical Society](#) (SGS). The SGS is the public's most complete source for cemetery listing information in Saskatchewan.



Before granting approval, the Registrar requires the following to be included in the online submission:

- Legal land location (lot/block/plan).
- Copy of the land title certificate from [ISC](#).
- Certified copy of a resolution of the municipality indicating they approve the establishment of, or changes to the cemetery.
- Plan with a reasonable scale drawing (at least 500:1) showing:
 - the geographical location of the cemetery.
 - the location and dimensions of every block, plot, drive, walk, road, watercourse and building.
 - sufficient detail to allow each lot to be located and identified (a numbering system).
- ☐ When the Registrar approves a plan, no alterations to the cemetery boundaries can be made to that plan until approval has been received from the Registrar.

Cemetery Administration and Record Keeping

The Act and regulations speak to how a municipality must administer their cemetery, including:



- ☐ A copy of the cemetery plan must be available for public inspection during village office hours.
- ☐ At the time of the sale of a cemetery lot the purchaser must receive a certificate showing:
 - the name of the purchaser.
 - the location and the area or dimensions of the lot or plot purchased, and the number of grave spaces.
 - the date of the purchase.
 - the amount of the sale price and the terms of payment, if any.
- ☐ An 'ownership register' must be kept for public inspection showing:
 - the name and address of the owner of a lot.
 - any transfer of ownership of a lot.
- ☐ A separate 'burial register' must be kept for public inspection showing:
 - the name of the deceased person whose body is interred in the cemetery.
 - the location of the interment.
 - the date of the interment.
 - setting out the reasons for a lesser depth such that the top of the outer burial container interring the human remains is less than 76 centimeters below the surface of the ground.
 - the particulars of every disinterment or removal of any human remains.
- ☐ **Record maintenance:** cemetery records must be permanently preserved by the municipality ([The Northern Municipalities Act, 2010](#) clause 132(2)(f)).

Assessment and Taxation



While all cemetery land is assessed for taxation purposes, non-commercial cemetery land is exempt from taxation (see [The Northern Municipalities Act, 2010](#), ss. 218(15) and clause 313(1)(g)).

Care, Maintenance and Cemetery Preservation

The following are informal and formal options for council to consider when deciding how to protect their active or historically significant cemetery:



- ☐ **Care and maintenance guides:** the SGS and the FCAA have produce two valuable guides for owners of small or historic cemeteries: *Operating Your Small Cemetery Guide* and *Saskatchewan Historic Cemetery Preservation Guide*. They cover such things as: how to set up a cemetery committee, preparing an action plan, funding, hiring professionals, survey and documentation, and record keeping. [Click here](#) to access these two guides on the FCAA webpage.
- ☐ **Land dedication:** *The Planning and Development Act, 2007* allows land that contains historical features (such as a cemetery) to be dedicated as Environmental Reserve (ER). ER cannot be exchanged for another parcel of land in the future and cannot be sold without approval from the Minister of Government Relations.
- ☐ **Municipal or Provincial Heritage Property designation:** under [The Heritage Property Act](#), any building, structure or site may be designated as a Municipal or Provincial Heritage Property when it is of architectural, historical, cultural, environmental, archaeological, palaeontological, aesthetic, or scientific value. Designation publicly and formally recognizes a property's heritage value, can protect the property, and encourages good stewardship. [Click here](#) for more information from the Ministry of Parks, Culture and Sport on Municipal Heritage designation and [click here](#) for more information on provincial designation.
- ☐ **National Heritage Site designation:** A place may be designated of national historic significance by virtue of a direct association with a nationally significant aspect of Canadian history. A place includes an archaeological site, structure, building, group of buildings, district, or cultural landscape. [Click here](#) for more information from Parks Canada.
- ☐ **The Last Post Fund:** The Last Post Fund's mission is to ensure that no Veteran is denied a dignified funeral and burial, as well as a military gravestone, due to insufficient funds at the time of death. Its primary mandate is to deliver the Veterans Affairs Canada Funeral and Burial Program which provides funeral, burial and grave marking benefits for eligible Canadian and Allied Veterans. [Click here](#) for more information.

Closing a Cemetery or Transferring Ownership of a Cemetery

Closing a registered cemetery means that no more burials can take place unless approved by the Registrar. To close a registered cemetery, you must apply to the registrar and state the reasons for the closure. Storing of cemetery records, future maintenance, and a strategy for continued public access are items that need to be addressed in the closure application. The Registrar, if satisfied that it is in the public interest, may approve closure of a cemetery, subject to any terms that is imposed.

Unless the Registrar consents in writing, a cemetery or land used for a columbarium or mausoleum cannot be transferred, sold, mortgaged, pledged, charged or encumbered by the owner or any person having an interest in that cemetery or land.

Resources

Contact the following for additional guidance:

Interpreting *The Cemetery Act* and regulations:

[Financial and Consumer Affairs Authority \(FCAA\)](#)

Subdivision process: Northern Municipal Services, Ministry of Government Relations. [Click here](#) for general information on the subdivision application process.

Cemetery planning and administration: [FCAA and SGS guides](#). A firm with experience with cemetery planning can also be hired.

Official Community Plan considerations, zoning bylaw requirements and dedicated land questions: Northern Municipal Services, Ministry of Government Relations.

Municipal or Provincial Heritage Property designation: Ministry of Parks, Culture and Sport. Any building, structure or site that is of interest for its architectural, historical, cultural, environmental, archaeological, palaeontological, aesthetic, or scientific value may be designated as a Municipal Heritage Property under *The Heritage Property Act*. [Click here](#) for more information.

Nation Historic Site designation: [Contact](#) Parks Canada.

Contact Us:

Northern Municipal Services

Email: NMS@gov.sk.ca

Telephone: 1-800-663-1555

SAMPLE CEMETERY BYLAW

NORTHERN VILLAGE/HAMLET OF _____, SASKATCHEWAN

BYLAW NO. _____

**A BYLAW TO REGULATE THE USE, CARE AND CONTROL OF
NORTHERN VILLAGE/HAMLET-ADMINISTERED CEMETERIES AND RELATED
MATTERS**

WHEREAS the Council of the Northern Village/Hamlet of _____
deems it desirable to provide for the control and regulation of cemeteries operated by or
under the control of the Village/Hamlet in accordance with subsection 54(1) of *The
Cemeteries Act, 1999* and all other applicable legislation;

NOW THEREFORE the Council of the Northern Village/Hamlet of _____
in the Province of Saskatchewan enacts as follows:

1. This Bylaw may be cited as the “Northern Village/Hamlet of _____
Cemetery Bylaw”.
2. Human remains can only be interred in a cemetery and with permission of the
cemetery owner.
3. Prior written approval from the Registrar of Cemeteries (through the Financial
and Consumer Affairs Authority, as renamed from time to time) is required to
establish, close, relocate, or alter the boundaries of an active Northern
Village/Hamlet-administered cemetery.
4. A cemetery located on land owned by the Northern Village/Hamlet but
administered by another party requires a lease agreement between the
Village/Hamlet and that party for the principal use of a cemetery.
5. For any cemetery administered by the Village/Hamlet on private land for the
principal use of a cemetery, the Village/Hamlet should engage in a lease
agreement with the landowner.
6. Where a cemetery in the Village/Hamlet is deemed to be abandoned or
neglected within the meaning of *The Cemetery Regulations, 2001*, the Northern
Village/Hamlet may be deemed the owner or require the owner to maintain the
cemetery, following subsection of 55(1) of *The Cemeteries Act, 1999*.
7. A cemetery administration policy passed by resolution of council will direct the
planning, administration, record keeping, and care and maintenance of

cemeteries administered by the Village/Hamlet. This policy must comply with *The Cemeteries Act, 1999, The Public Health Act, 1994, The Vital Statistics Act, 2009, The Coroners Act, 1999* and *The Funeral and Cremation Services Act* and any regulations pursuant to those Acts.

Read a first time this _____ day of _____, 20____.

Read a second time this _____ day of _____, 20____.

Read a third time this _____ day of _____, 20____.

Mayor

(SEAL)

Clerk/Administrator