

# **BYLAW NO. 9-2018**

## **CEMETERY BYLAW**

A BYLAW OF THE VILLAGE OF BORDEN TO PROVIDE FOR THE MANAGEMENT AND CONTROL OF CEMETERIES OF THE VILLAGE OF BORDEN.

The Council of The Village of Borden enacts as follows:

1. In this bylaw:

- a. "Village" means the Village of Borden.
- b. "Council" means the Council of the Village of Borden.
- c. "Cemetery" means Borden & District Cemetery unless otherwise specifically stated.
- d. "Borden & District Cemetery" means all of the lands described in Schedule "A" hereof.
- e. "Committee" means the Cemetery Committee of the Borden & District Cemetery appointed by the Village of Borden described in Schedule "B" hereof and shall include any person authorized by the Committee to carry out the duties prescribed in this bylaw.
- f. "Cemeteries Act" means The Cemeteries Act, R.S.S. 1978, Chapter C-4 and amendments thereto.
- g. "Grave" means an area of the cemetery which is of sufficient size to accommodate the burial of one human corpse plus 3 cremains or 4 total cremains.
- h. "Cemetery Care" means the basic maintenance of all graves and shall include levelling of the ground and the seeding, cutting and watering of grass, as required. It shall not include the maintenance, repair or replacement of monuments or markers.
- i. "Person" includes a corporation or partnership.
- j. "Registrar" means the person designated from time to time by the Minister responsible for The Cemeteries Act, R.S.S. 1978, Chapter C-4, to be the registrar pursuant to said Act.

2. The Committee may make regulations not inconsistent with this bylaw for the carrying out of this bylaw and for the efficient management and control of the cemetery. Such regulations shall be known as the Cemetery Regulations.

3. No person shall bury any human corpse within the limits of the Village except within Borden & District Cemetery or within such other cemetery as may from time to time be approved pursuant to The Cemeteries Act.

4. The Committee is hereby authorized and empowered to set aside and maintain portions of Borden & District Cemetery for the burial of the military, the members of such religious or ethnic groups as may have requested same, children, and cremated remains. The size and location of any such area shall be as determined by the Committee.

5. a. Any person may purchase a grave in Borden & District Cemetery, upon application to the Village Office and payment of the appropriate fees, which shall, in all cases, include a fee for cemetery care.

b. The purchaser of a grave shall have the right to use the grave for the burial of human remains in accordance with the provisions of this bylaw and such Cemetery Regulations as may from time to time be in effect; and shall acquire no other rights whatsoever.

c. The purchaser of a grave or his legal representative may transfer the grave to a member of his/her family, or return the grave to the Village; both subject to compliance with such Cemetery Regulations as are then in effect.

d. The purchaser of a grave or his legal representative may not sell the grave to any other person.

e. The number and type of burials permitted in any one grave shall be as set out in the Cemetery Regulations then in effect.

f. No person or organization may purchase more than Four (4) graves without Council's approval first hand and obtained.

g. The Committee is hereby authorized and empowered to recover unused graves in accordance with the provisions of The Cemeteries Act.

6. The fees for grave purchases, interments, cemetery care and the charges for work done or services rendered at the Cemetery shall be set out in Schedule "D".

7. No burial shall be permitted in Borden & District Cemetery unless the Village Office is in receipt of a burial permit therefor, issued pursuant to The Vital Statistics Act, R.S.S. 1978, Chapter V-7.

8. No disinterment shall be permitted in the cemetery except pursuant to the written order of the Minister of Health for Saskatchewan, or his designate.

9. a. No burial or disinterment will be permitted unless proper notice as specified in the Cemetery Regulations has been given, and the appropriate fees and charges have been paid.

b. All burials and disinterments shall be carried out in accordance with the Cemetery Regulations then in effect, and shall be subject to the supervision and direction of the Cemetery Supervisor.

10. a. No person shall place, erect, plant or remove from any grave, a monument, marker, planting, or object of any kind, except in accordance with the Cemetery Regulations.

b. The Cemetery Supervisor shall have the authority to remove any article or planting placed, erected, or planted on any grave when the same is not in accordance with the Cemetery Regulations or when the same is objectionable.

11. a. The Village shall not be liable for the loss of or damage to any monument, marker, or other object or planting located in the cemetery.

b. The Village reserves the right to permanently move or remove any monument or marker from any grave.

c. The Village reserves the right to temporarily move or remove any monument or marker for the purposes of performing necessary maintenance and/or for opening graves.

12. No advertising of any kind shall be permitted in the cemetery.

13. No person shall engage in or carry on any game, sport or other activity, or operate any motor vehicle, or bring an animal within a cemetery except in accordance with the Cemetery Regulations.

14. Any notice required by this bylaw or the Cemetery Regulations to be given to any person shall be deemed sufficient if in writing and mailed postpaid to the last known address of such person as entered on the records of the Village Office.

15. A person who contravenes any provision of this bylaw is guilty of an offence and upon summary conviction is subject to the penalties imposed by a Bylaw of the Village of Borden, governing general penalties.

16. Bylaw No. 2-1990 and Bylaw 1-1991 are hereby repealed.

17. This bylaw shall come into force and take effect on the day of the final passing thereof.

(Seal)

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Mayor (Jamie Brandrick)

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Administrator (Carly Ford)

**SCHEDULE "A"**  
**Borden & District Cemetery**

The following land shall be known as "Borden & District Cemetery", namely:

Parcel BB-Plan 101573984

and

Parcel DD-Plan 102291757

Within LS1 of Section Four (04), in Township Forty (40), in Range Nine (09), West of the Third Meridian (W3), in the Province of Saskatchewan.

## **SCHEDULE "B"**

### **Cemetery Committee**

The Cemetery Committee shall consist of at least three (3) members, one (1) of whom shall be a Councillor and members at large. The Committee shall hold office for a period of two (2) years to be reckoned from the first day of January in the year of appointment, but in the event of death or resignation of any member of the Committee, Council shall appoint a member to fill the vacancy for the unexpired term.

## **SCHEDULE "C"**

### **Administration & Financial Management**

#### **Administration**

The Village Office shall keep a register containing interred information showing the block, lot or plot number and the burial place of all persons hereafter interred in the Borden & District Cemetery.

#### **Financial Management**

##### **Cemetery Care Fund**

Funding is comprised of invested returns from the Cemetery Care Fund and the interment fees as per Schedule "D". Signing authority is approved by the Cemetery Committee.

##### **Pederson Trust Fund**

Peter Pederson provided initial funding of \$10,000.00 to the Borden & District Cemetery to be invested accordingly:

- 20% of the return be reinvested into the principal
- 80% of the return to be invested into the Cemetery Care Fund.

Signing authority is approved by Council.

## **SCHEDULE "D"**

### **Schedule of Fees for Use at Borden & District Cemetery**

#### **Interment Fees**

Cemetery plots	\$400.00 + \$25 (Administration Fee for Village)
Cremation	\$100.00 (Village Fee)

(including care & maintenance fund charges)

#### **Disinterment Fee**

Administration	\$100
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(includes locating plot; landscaping is the responsibility of the owner, not the Village, or the Cemetery)



# **The Cemetery Bylaw Regulations**

## **Part I General Matters**

### **Short Title**

1. These regulations may be cited as The Cemetery Bylaw Regulations.

### **Purpose**

2. The purpose of these regulations is to provide for the efficient management, regulation and control of municipal cemeteries within The Village of Borden.

### **Definitions**

3. In these regulations:

- a. "authorized decision-maker" means an authorized decision-maker within the meaning The Funeral and Cremation Services Act, S.S. 1999, c. F-23.3;
- b. "casket" means a rigid container designed for the encasement of a body for interment, entombment or cremation and usually constructed of wood or metal, also referred to as a coffin;
- c. "The Cemeteries Act" means The Cemeteries Act, 1999, S.S. 1999, c. C-4.01;
- d. "Cemetery" means Borden & District Cemetery, unless otherwise specifically stated;
- e. "Cemetery Bylaw" means Bylaw #9-2018 being a bylaw of the Village to provide for the management and control of cemeteries within the Village;
- f. "Committee" means the Cemetery Committee of the Borden & District Cemetery appointed by the Village of Borden and shall include any person authorized by the Committee to carry out the duties prescribed in this bylaw.
- g. "Cemetery Supervisor" means the person designated by the Cemetery Committee to be in charge of the cemetery.
- h. "Village" means The Village of Borden;
- i. "Council" means the council of the Village;

j. “cremated human remains” means human bone fragments that remain after cremation, also referred to as “cremated remains” or “cremains”;

k. “cremation” means the technical process of using heat to reduce human remains to bone fragments;

l. “disinterment” means the removal of human remains or cremated human remains from a grave;

m. “fixture” means any item that is attached to a Monument including vases, statues, pictures, lanterns, metal rods or similar item;

n. “flat marker” means a type of Monument set flush with the ground with a flat and level surface upon which an inscription may be made or a bronze plaque affixed;

o. “grave” means a plot in a cemetery specifically designated and of sufficient size to accommodate the in-ground interment of human remains or cremated human remains;

p. “Holiday” means all Saskatchewan statutory holidays; and shall include any day which is designated in lieu of one of the Saskatchewan statutory holidays;

q. “human remains” means a dead human body, but does not include cremated human remains;

r. “interment” means the placement of human remains or cremated human remains in a grave;

s. “interment rights” means a license granted by the Village to a person to allow the interment of human remains or cremated human remains in a designated grave in accordance with these Regulations, the Bylaw and The Cemeteries Act, 1999;

t. “Licensee” means a person who has been granted the interment rights for one or more graves or niches within a cemetery owned by the Village;

u. “Military Person” means a person that was at their time of death a serving member or past member of the Canadian Armed Forces, para-military forces (R.C.M.P.) or Allied Forces;

v. “Monument” means a memorial structure with inscribed or attached lettering or artwork as a means of commemoration and made of granite, marble, bronze or other approved material;

w. "Cemetery Care" means the basic maintenance of all graves and includes levelling of the ground and the seeding, cutting and watering of grass as required but does not include the maintenance, repair or replacement of Monuments, markers or foundations;

x. "person" includes a corporation or partnership;

y. "Regulations" means these Cemetery Bylaw Regulations;

z. "upright monument" means a Monument projecting above the ground that is set upon a concrete footing or foundation;

aa. "urn" means a container into which cremated remains are placed prior to interment, entombment or scattering; and

ab. "vault" means a structural enclosure designed to cover a casket or urn and used to prevent sinking or slumping of graves and usually made of concrete, steel or fibreglass.

## **Part II**

### **Interments and Disinterments**

#### **Notice Required**

4. The Village Office shall be notified in advance, during regular office hours, of any interment as follows:

- a. May 15 to October 15: a minimum of 48 hours in advance of any interment;
- b. October 16 to May 14: a minimum of 72 hours in advance of any interment;
- c. this notification excludes Saturdays, Sundays and Holidays; and
- d. interments with less than the required notice may be approved at the discretion of the Village Office.

#### **Telephone Arrangements**

5. The Village accepts no responsibility for any error or misunderstanding that may arise from interment or other arrangements made by telephone.

## **Permit Required**

6. No interments or disinterments shall be allowed in any grave until the Licensee, the Licensee's legal representative or authorized decision-maker is in possession of a burial permit or disinterment permit, and responsibility for the Cemetery charges have been confirmed.

## **Disinterment**

7. In the case of any disinterment, the Cemetery Committee may oversee the disinterment and bears no responsibility for ensuring that the soil is sufficiently excavated to permit safe access to the human remains or urn for removal by the attending funeral home staff.

## **Cemetery Care Fund**

8.
  - a. The cost of an interment shall include the appropriate contribution to the fund for Cemetery Care.
  - b. No subsequent interment shall be permitted in a grave where there has been no contribution fee made, to the fund for Cemetery Care; however, subsequent interments in a grave, including of cremated remains, shall be permitted so long as for each interment there is the appropriate contribution fees made to the fund for Cemetery care as outlined in Schedule "D".

## **Use of a Grave**

9.
  - a. One casket interment shall be permitted in a single grave ensuring a minimum of one meter of soil covers the casket.
  - b. Interments of cremated remains are also permitted in a grave. The total number of interments in a single grave cannot exceed a total of four. The four interments can consist of 1 casket and 3 cremains, or 4 cremains.

## **Exemptions and Exceptions**

10. The Cemetery Committee may, at their discretion, and where special circumstances exist, make exceptions to these Regulations.

**Part III**  
**Purchase, Sale and Transfer of Interment Rights**

**Purchase of Interment Rights**

11. a. A licence to use a grave in the Cemetery may be purchased from the Village Office upon full payment of the proper fees. The Licensee shall have the right to use the grave for the burial of human remains or cremated human remains in accordance with the provisions of the Bylaw and the Regulations, as may from time to time be in effect and shall acquire no other rights whatsoever.  
b. No person may purchase more than four graves, unless approved by Council.

**Proof of Interment Rights**

12. The use of any grave must be authorized in writing by the Licensee or that person's authorized decision-maker. The Village Office may request proof of purchase to identify the Licensee of the grave to prove the right to use the grave.

**Refund of Interment Rights**

13. No refunds shall be granted.

**Sale of Interment Rights**

14. The license to use a grave cannot be sold by a Licensee.

**Transfer of Interment Rights**

15. The license to use a grave may be transferred to a family member provided that:
  - a. the Licensee or his authorized decision-maker advises the Village Office in writing of the name and address of the new Licensee; and
  - b. the license to use a grave may be sold back to the Village of Borden for the price of \$50.00.

## **Limits of Cemetery Care**

16. The fees for a license to use a grave shall include payment to the Cemetery Care Fund of fees as per schedule "D" for Cemetery Care; however, the Village shall not be bound to expend on any grave in any year an amount greater than the annual interest earned on the Cemetery Care Fund.

## **Availability of Graves**

17. Licenses for graves shall be allocated and sold to members of the general public on a "first-come, first-served" basis, provided that the purchaser agrees to adhere to all relevant bylaws and these Regulations.

## **Request for Specific Graves**

18. The Cemetery Committee may consider requests for specific graves or graves in specific locations by persons provided that:

- a. the request does not disrupt the Cemetery's maintenance and operating plans; and
- b. in case of dispute, the Cemetery Committee's decision shall be final.

## **Part IV Monument Regulations**

### **General**

19. In this section, the following definitions shall apply:

- a. "base" means the lower portion of a two-piece Monument set on a foundation;
- b. "die" means the upper portion of a two-piece Monument and the part of the Monument that is placed on the base;
- c. "die without a base" means a Monument consisting of a single piece placed on a foundation;
- d. "foundation" means a pre-cast or poured-in-place pad, usually made of concrete, set at grade, upon which a Monument is placed;

e. "length" means the dimension of the Monument as measured from the left edge to the right edge, facing the Monument;

f. "width" means the dimension of the Monument as measured from the front edge to the back edge, facing the Monument; and

g. "height" means the dimension of the Monument as measured from the top to the bottom.

### **Approval Required**

20. No marker or Monument shall be erected, altered or removed without approval from the Cemetery Committee.

### **Approval Process**

21. Applications shall be submitted to the Village Office during normal office hours only. Upon approval a copy shall be returned to the applicant.

### **Work Initiated Before Approval**

22. The Village accepts no responsibility for any Monument work initiated prior to the approval of the application.

### **Authorization**

23. The Licensee or authorized decision-maker of a grave or graves shall be the authority with respect to the requested placement of a Monument on a grave or graves. Persons, other than the Licensee, who make application for the placement of a Monument, do so at their own risk. The Village does not accept any responsibility for resolving disputes between surviving family members or friends resulting from the placement of a Monument.

### **Hours of Installation**

24. Only Monument work approved by an application submitted to the Village Office shall be carried out, and only during the normal Village Office hours of operation. Any work to be carried out other than during normal scheduled hours of operation requires approval of the Cemetery Committee.

## **Notification and Responsibility**

25. Any Monument company employees, contracted employees or authorized individuals carrying out any Monument work in the Cemetery, shall advise the Village Office upon arrival at the Cemetery and shall be responsible for the restoration or repair of any damages to the Cemetery grounds or fixtures resulting from their actions.

## **Installation**

26. The timing of flat marker or foundation installations shall be scheduled by the Cemetery Committee. A cut-off date for these installations shall be established each fall and installations not completed prior to the cut-off date shall be honoured the following spring. Regardless, the installation of flat markers and foundations for upright Monuments shall not take place until the gravesite is suitably landscaped.

## **Delivery**

27. No Monuments shall be delivered to the Cemetery until:

- a. the applicant has received a copy of the Monument Application Form with approval signified;
- b. the Village Office has been informed, 24 hours prior to delivery, of each Monument or flat marker that is to be delivered;
- c. in the case of Monuments to be installed on a foundation, the Village Office has confirmed that the foundation is complete; and
- d. in the case of flat markers, the Village Office has confirmed that the gravesite has been landscaped.

## **Installation Responsibility**

28. The Monument company is responsible for the installation of all Monuments on concrete foundations.

## **Cemetery Layout**

29. The Village reserves the right to change the design of the Cemetery affecting the placement of existing and new Monuments.

## **Removal of Monuments**

30. The Village may remove and dispose of any upright Monument, memorial structure or fixture placed in the Cemetery if such should fall into disrepair or become unsightly. The Village shall forward written notification prior to undertaking this action to the last known address of the Licensee of the grave or next-of-kin.



## **Surnames**

31. The surname inscribed on a Monument must match the surname corresponding to the burial as recorded in the Village Office. Where there is a request for an inscription with a different surname than recorded in the records, the recorded name must either be legally changed or appear elsewhere on the inscription. In this circumstance, the legal name may appear in smaller lettering or be placed in parenthesis.

## **Non-Interment Memorialisation**

32. Where a Monument is to be erected or altered as a memorial to a person or persons, to a maximum of four, not interred in the Cemetery, the inscription must clearly indicate that no burial has taken place.

## **Inscription Layout**

33. Where a Monument is marking more than one grave, it is the responsibility of the person making the application to ensure the Monument's inscription corresponds with the correct sides or location of the burials.

## **Vandalism**

34. Monuments are placed in the Cemetery at the risk of the Licensee of the grave or of the applicant. The Village accepts no responsibility for theft or damage resulting from vandalism.

## **Cemetery Care**

35. The Village's maintenance of Monuments shall be limited to keeping the ground in such condition that the Monuments remain level and straight.

## **Maintenance of Monuments**

36. The Village accepts no responsibility for degrading of the Monuments or markers due to normal wear or deterioration. Minor chipping of the base portion of the Monuments as a result of the turf mowing operation is considered normal wear.

## **Matching Existing Monuments**

37. Applications for Monuments that do not comply with these Regulations but would match an existing or previously installed Monument may be approved.

## **Exemptions and Exceptions**

38. The Cemetery Committee may, at their discretion, and where special circumstances exist, make exceptions to the regulations with respect to Monuments.

## **Upright Monuments**

39. In upright Monument areas, only one upright Monument shall be permitted on any grave or portion thereof and it is to be placed at the head of the grave as designated by the Village.

### **a. Base Dimensions**

All bases (or dies without bases) are subject to the following:

aa. the minimum length of a base shall be 40.5 cm (16 inches); the maximum length of a base shall be 15 cm (6 inches) less than the width of the grave or graves to be marked but cannot exceed 229 cm (90 inches) in length;

bb. the width of a base shall be a minimum of 20.5 cm (8 inches) and a maximum of 45.5 cm (18 inches);

cc. the base of a Monument in excess of 106.5 cm (42 inches) in length shall have a minimum width of 30.5 cm (12 inches); and

dd. the height of a base shall be a minimum of 10 cm (4 inches) and a maximum of 46 cm (18 inches).

### **b. Base Finish**

The sides of the base (excluding the top and bottom) must have a rock-pitch finish. Any base with a minimum height of 15 cm (6 inches) shall be permitted a sawn or polished margin. The margin must be made so that a minimum of 10 cm (4 inches) on the bottom of each side is left as a rock-pitch finish.

### **c. Responsibility For Dimensions**

The person making application for a Monument shall be responsible for determining the width of the grave or graves to be marked and ensuring that the maximum length dimensions are observed.

#### **d. Die Dimensions**

All dies are subject to the following:

- aa. the overall length and width dimensions of the die (including any fixtures)  
shall not exceed the length and width dimensions of the base;
- bb. the height of a die shall be a minimum of 10 cm (4 inches) and the maximum height shall not exceed the die's minimum length by more than one-third;
- cc. a die with a minimum width of 10 cm (4 inches) shall be restricted to a maximum height of 46 cm (18 inches);
- dd. a die with a minimum width of 15 cm (6 inches) shall be restricted to a maximum height of 91 cm (36 inches); and
- ee. a die with a minimum width of 20 cm (8 inches) shall be restricted to a maximum height of 137 cm (54 inches).

#### **e. Total Monument Height**

A Monument with a maximum base length less than or equal to 107 cm (42 inches) shall be restricted to a maximum total height of 107 cm (42 inches). A Monument with a maximum base length in excess of 107 cm (42 inches) shall be restricted to a maximum total height of 152 cm (60 inches). Total Monument height is measured from the top of the foundation to the highest point on the Monument (including any fixtures).

#### **f. Pictures and Photographs**

Pictures are to be countersunk to a depth that leaves approximately 3 mm (1/8 inches) extending from the face or front of a Monument, securely fastened and completely sealed with Monument setting compound. The use of frames, frames and covers or Jadco fasteners and similar installation systems is not permitted.

## **g. Vases and Statues**

All vases and statues must be permanently affixed and positioned so that no part extends beyond the length or width of the base nor extends above the total Monument height. Marble or granite vases shall be restricted to a minimum thickness of 2.5 cm (1 inch) at any point.

## **h. Other Fixtures**

All other fixtures or attachments such as any artificial flowers, potted plants, perennials, lawn-edging, non-natural/such items, which include but are not limited to the following: solar lights, chimes, rocks, stepping stones or other decorative items attached to any marker or Monument must be specifically approved by the Cemetery Committee. Unapproved decorative items shall be removed and disposed of by the Village.

## **Flat Markers**

### **40. a. Approved Materials**

Only bronze (anchored to a base of granite or concrete) and granite are approved materials for use as flat markers. Marble shall not be approved as material for flat markers.

### **b. Bronze Markers**

Bronze plaques (attached to a base of granite or concrete) shall only be approved for installations at the end of the grave designated the head by the Village. The base used for anchoring a bronze plaque must be a minimum of 10 cm (4 inches) longer and wider than the plaque and a maximum of 20 cm (8 inches) longer and wider than the plaque and must meet the minimum and maximum dimensions for flat markers.

### **c. Dimensions**

All flat markers are subject to the following:

aa. the length of a flat marker shall be a minimum of 30 cm (12 inches) and cannot exceed the width of the grave or graves to be marked;

bb. the width of a flat marker shall be a minimum of 30 cm (12 inches) and cannot exceed 60 cm (24 inches); and

cc. the thickness of a flat marker that is to be installed flush with ground level, including any base material anchoring bronze plaques, must be uniform and between 7.5 cm (3 inches) and 15 cm (5 inches).

**d. Vases**

Only invertible vases that can be turned down and placed completely inside the marker shall be permitted on flat markers at the head of the grave. No vases shall be permitted on foot markers.

**e. Pictures, Statutes and Fixtures**

No pictures, statues or fixtures (other than approved bronze plaques) shall be permitted on any flat marker.

**f. Flat Markers on Foundations**

All flat markers to be placed on a foundation are considered a base without a die and are subject to these Regulations.

**g. Assembly**

All concrete work and the anchoring of bronze plaques to bases shall be the responsibility of the person making the application prior to the delivery of the flat marker to the Cemetery.

**Part V**  
**Flowers and Memorialisation**

**Responsibility**

41. All items placed in the Cemetery by the public shall be at their own risk. The Village accepts no responsibility for any damaged or missing items.

**Permanent Items**

42. Only approved Monuments, markers or approved parts thereof are considered permanent items and are permitted to remain in the Cemetery year-round.

**Perennials, Trees and Shrubs**

43. The Village reserves the right to plant and remove any perennial flowers, shrubs and trees and to landscape or carry out any improvements to the grounds.

**At the time of Interment**

44. All types of flowers and other items are permitted on the grave the day of the burial and shall be left for a period of seven calendar days following interment. Any time after this period, the items shall be removed and disposed of by the Village.

## **Annual Flowers and Flower Beds**

45. The following guidelines apply in respect of annual flowers and flower beds:

- a. flowers in containers that are not part of the approved Monument shall be removed and disposed of, however, flowers placed in vases that are part of an approved Monument may remain;
- b. flower beds may not be planted at the grave.
- c. all other items placed on a grave, flower bed, Monument or concrete foundation are considered temporary and are removed and disposed of by the Village.
- d. all vases in the flat marker sections must be inverted from November 1 to March 31, and the Village assumes no responsibility for missing or damaged vases of flowers; and
- e. all items placed at graves shall be removed only as needed to accommodate interments or if deemed hazardous, excessive, or inappropriate by the Village.

## **Decorative Elements**

- 46.
- a. To preserve the proper appearance of the Cemetery, the Village may remove any memorial or memorialisation when it is objectionable, or its removal is otherwise considered necessary by the Village. For clarity, non-natural items, include but are not limited to the following: solar lights, chimes, rocks, stepping stones, flags, poles, or other decorative elements that are not permanent would be objectionable.
  - b. When the Village considers any memorial or memorialisation removed pursuant to subsection 47(1) to be of value, the Village shall, where the address is known, forward a written notice to the Licensee or authorized decision-maker of the deceased notifying them of the removal of the article and that such article may be claimed within 30 days of the date of the notice.
  - c. If no claim is made to the Village after the expiry of 30 days, or where no notice can be given, the Village shall dispose of the article.
  - d. The Village shall not be responsible for any loss occasioned by any person as a result of the removal of the memorial or memorialisation, or the failure of the Licensee or authorized decision-maker or any other party to claim a removed memorial or memorialisation within 30 days in accordance with this section and the resulting disposal of the memorial or memorialisation.

**Part VI**  
**Miscellaneous**

**Most Restrictive Provisions Prevail**

47. Where there is a conflict between the provisions of the Bylaw and the provisions of these Regulations or any other legislation, the most restrictive provision shall prevail.

**Repeal**

48. The previous regulations are hereby repealed.

49. The Bylaw No. 2-2014, known as the Cemetery Bylaw and all the amendments thereto, is hereby repealed.

Signed by The Village of Borden this \_\_\_\_\_ day of \_\_\_\_\_, 2018.