

**BYLAW NO. 6/2019
BEING A BYLAW OF THE
MUNICIPAL DISTRICT OF PEACE NO. 135
IN THE PROVINCE OF ALBERTA**

A Bylaw of the Municipal District of Peace No. 135, in the Province of Alberta, respecting cemeteries operated by the Municipal District of Peace No. 135

WHEREAS, the *Cemeteries Act* being Chapter C-3 of the Revised Statutes of Alberta 2000 and the amendments thereto, provides for a municipality purchasing and operating cemeteries, and

WHEREAS, the Minister of Service Alberta has made regulations respecting the operation of cemeteries, and

WHEREAS, the Council of the Municipal District of Peace No. 135 deems it expedient to supplement the said regulations respecting the operation of cemeteries owned and operated by the municipality;

NOW THEREFORE, the Council for the Municipal District of Peace No. 135, duly assembled, subject to the *Cemeteries Act* and any regulations pursuant to the said Act as either or both of them may be amended from time to time, enacts as follows:

TITLE

- 1) This Bylaw may be cited as the "Cemeteries Bylaw".

DEFINITIONS

- 2) In this Bylaw,
- a) "**Burial Lot**" shall mean a single grave lot.
 - b) "**Caretaker**" shall mean an employee of the MD who has been assigned duties in a Cemetery by the CAO.
 - c) "**Cemetery**" shall mean any of the lands owned and operated by and under the control of the Municipal District of Peace No. 135, which is set apart for, or used as, a place for the interment of the dead or in which human bodies have been buried.
 - d) "**CAO**" shall mean the Chief Administrative Officer of the Municipal District of Peace No. 135.
 - e) "**Columbarium**" shall mean a permanent structure containing a number of drawers (niches/compartments) for the placement of human remains.
 - f) "**Compartment**" means a section in a columbarium designed for the placement of ashes of dead human bodies or other human remains that have been cremated.
 - g) "**Council**" means the elected members of the Municipal District of Peace No. 135 Council.
 - h) "**Cremains**" means the ashes of dead human bodies or other human remains that have been cremated.
 - i) "**Interment**" means the excavation of a grave to the required depth and size, the placing (but not the provision) of a rough box (as necessary), the backfilling of the grave and the removal of any excess earth.
 - j) "**Licensee**" shall mean a person who acquires burial rights for one or more lots within the cemetery.
 - k) "**Monument**" shall mean any structure in the cemeteries constructed on any grave or lot or runner for memorial purposes.
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- l) **"Municipality"** shall mean the Municipal District of Peace No. 135.
- m) **"Niche"** means a section in a columbarium designed for the placement of ashes of dead human bodies or other human remains that have been cremated.
- n) **"Person"** includes an individual, an association, a firm, a partnership or a corporation.
- o) **"Plot"** means a small piece of ground in a cemetery marked for a burial and may be referred to as a "lot".
- p) **"Undertaker"** shall mean any registered or licensed embalmer or mortician or any other person authorized by Provincial Statute to inter deceased persons.
- q) **"Veteran"** shall mean a person who at any time was a member of the armed forces of Canada, the United Kingdom, or any armed forces of a country allied with Canada or the United Kingdom in any war.

CEMETERY LANDS

- 3) The following lands are hereby established and set apart for the sole purpose of public cemetery and named as follows:
 - a) Pt.NE30-81-25-W5 2 acres Griffin Creek Cemetery
 - b) Pt.NW29-82-25-W5 2 acres Brownvale Cemetery
 - c) Pt.NE32-82-24-W5 4 acres Berwyn Cemetery
- 4) Council shall, from time to time, designate a portion of a cemetery for:
 - a) Field of Honor for veteran burials
 - b) Erection of a columbarium
 - c) Other special sections as Council deems necessary to enhance the operations of the cemeteries.

The size of such portions shall conform to the requirements of the *Cemeteries Act* of the Province of Alberta.

ADMINISTRATION AND DUTIES

- 5) The CAO shall direct and supervise all maintenance and operations of the cemeteries. The CAO or his/her designate shall keep a correct account of all monies received and of all expenditures made in connection with all of the cemeteries, and
- 6) shall keep suitable records describing the licensee, recording the date and sale or transfer of every lot, and maintaining an alphabetical file of all burials within each cemetery and such other records as may be required from time to time.

SALE OF PLOTS/RESERVATIONS

- 7) Cemetery plots are currently five (5) feet in width and ten (10) feet in length. Plots sizes in older sections of all 3 cemeteries vary in size.
- 8) Fees for plot sales shall be those specified in the MD of Peace Fees & Charges Bylaw, with said fees being amended from time to time. These fees include perpetual upkeep of the plots, whether occupied or not, but do not include the maintenance, placing or removal of monuments or grave markers.
- 9) Reservations may be made for a maximum of three (3) plots (one plot for current use and two reserved for future use). All plots must be paid for in full at the time of reservation, excluding fees for opening and closing of the grave. Opening and closing fees shall be made at the time of burial.

- 10) No deed to use a lot or lots may be transferred unless all such transactions are approved by the CAO and are made in accordance with this Bylaw. No plot or plots in any of the cemeteries may be transferred for consideration greater than the consideration paid by the licensee to the MD and the transfer instrument must clearly show the amount paid by the licensee to the MD.
- 11) Lot deeds may be returned to the MD and the MD will pay a licensee the original purchase price for an unused lot or lots, if the price is known, less a transfer fee. No transaction shall be valid unless it is recorded by a signed letter or other instrument filed in the MD office.
- 12) It is a condition of every plot sold in the cemeteries that the purchaser expressly waives any claim arising by reason of any error or misdescription of any burial plot. The MD undertakes that it will attempt insofar as is reasonably possible, to avoid such errors but liability shall only extend to a refund, in case of error, of any money paid to the MD for a lot or lots and an undertaking to make an equivalent quality of lot or lots available in lieu of those originally allocated.
- 13) When a lot becomes vacant by removal of the body or bodies therein, the land may revert to the MD at the licensee's option and the MD will in such case refund the original price, if the price is known, less a transfer fee.

INTERMENTS

- 14) Burial rights in lots in cemeteries shall be sold upon payment by the licensee of all required fees and charges.
- 15) All burials must be accompanied by a Burial Permit or Death Certificate, which must be submitted to the MD before an interment can proceed.
- 16) Locating and digging a full-sized grave shall be the sole responsibility of the MD or the undertaker. The MD must be notified at least two days in advance to locate and dig a grave. Families may dig burials for cremations provided permission has been obtained from the MD prior to burial and exact location has been determined.
- 17) No more than one body shall be buried in a regular sized plot, unless arrangements have been made for a double depth grave, which will accommodate two bodies in separate caskets at the same or different time in such manner that one casket is placed immediately above the other and purchased specifically for this purpose on the opening of the first casket. There shall be a minimum of three (3) feet of earth placed over the upper casket.
- 18) With respect to cremations, a maximum of six (6) containers may be placed in a vacant regular sized lot. There must be a minimum of eighteen (18) inches of earth placed over each container, and the MD must be notified of the location of each burial, in order to maintain accurate records.
- 19) Two (2) cremation urns may be buried on an existing grave with no additional lot fee charge, but if the family requests the MD to perform the digging, the current fee for opening and closing a cremation plot will be charged. Permission must be obtained from the MD prior to burial, and the location of the urn in the plot must be reported to the MD in order to maintain accurate records.
- 20) Provision may be made to enter more than one stillborn body within the confines of one or more lots. There must be a minimum of one (1) foot of earth between the remains buried in such communal graves, with at least three (3) feet of soil over the uppermost casket.
- 21) If an applicant wishes to inter a body in a lot not owned by him, he shall obtain written authorization from the owner of the lot in which such interment is to be made, with said authorization kept in the MD office.

- 22) Undertakers must provide the necessary lowering devices and rough boxes (if necessary) and make their own arrangements for the placing of mats, wreaths, flowers, etc. around the grave.

DISINTERMENTS

- 23) Disinterment, except for re-burial in the same grave at greater depth, will not be allowed unless permission is first obtained for that purpose at the MD office, and if given, such permission shall be in writing and signed by the CAO.
- 24) No person shall disinter or remove a body from any lot without first producing a written order from the owner of such lot and a permit for such disinterment or removal as issued as per Section 11 of the *Cemeteries Act, R.S.A.*
- 25) Whenever a lot becomes vacant by the removal of the body therein, the land shall revert to the Municipality, provided that where the owner thereof becomes a purchaser of another lot or lots, the original price paid for the lot shall be allowed as part payment.

MONUMENTS/GRAVE MARKERS

- 26) In areas of the cemeteries where cement runners are in place, any monuments or grave markers must be placed on the cement runner and occupy no more than one half (1/2) of the cement runner and be no wider than the space allotted for the plot. No memorabilia are to be placed on the grass and no fences shall be erected around the plots.
- 27) Installment and maintenance of the grave marker or monument is the responsibility of the deceased person's family. The MD will not be responsible for any damage which may be caused in any way whatsoever to any improvement of memorial designs placed in the cemetery.
- 28) No licensee may erect a monument or permanent gravel marker upon any lot or cement runner while any charges in connection therewith are due and owing to the MD.
- 29) In areas where no cement runners are meant to be in place, twelve full months must elapse between the date of interment and the placing of any monument or permanent grave marker.
- 30) The Municipality shall report to the owner/family any monument out of repair and it shall be the duty of the owner/family to repair such monument without delay.
- 31) Maximum height of any monument shall be thirty-six (36) inches.
- 32) Full length grave covers are no longer allowed in any cemetery; however, existing grave covers may be left in place as long as the structures are not in a state of disrepair.
- 33) Council may, by resolution, govern the style and/or type of monuments to be placed in various sections of any of the cemeteries.
- 34) Trees, as approved by the Municipality, may be planted by anyone within designated areas specified by the MD. Municipal approval must be obtained prior to any planting.

CARE OF LOTS


- 35) To ensure neatness and to preserve the beauty of the cemeteries, the Municipality shall have supervision of:
- a) wreaths, flowers and other removable mementos and objects placed upon graves and plots and any stand, holder or receptacle for these items, and

- b) flowers, shrubs, weeds, grass or trees planted upon graves or growing upon graves and any trees, shrubs, plants, grass or any other article or growing thing situated on any part of any of the cemeteries. Should it, in the opinion of the Caretaker, become necessary or desirable to remove same from any of the cemeteries, the Caretaker shall be empowered to do so.

COLUMBARIUMS

- 36) Families may purchase two to three (2-3) lots for the purpose of erecting a family columbarium. This shall mean an above ground structure containing compartments/niches for interring cremated remains. The family is responsible for the entire cost of purchase, erection and maintenance of the structure and surrounding ground.
- 37) All requests for placement of a columbarium shall be made in writing to the CAO of the Municipality. The following information must be provided:
- a) Name of Municipal Cemetery
 - b) Family name
 - c) Name and contact information of primary and alternate family representative
 - d) Requested location of columbarium
 - e) Complete description of columbarium structure including size and dimensions
 - f) Name and contact information of columbarium supplier and potential installer.
- 38) The CAO has authority to grant approval or apply conditions for the placement of a family columbarium, giving consideration for the appearance of the cemetery, the scope and intent of this Bylaw and all Provincial and Federal laws.
- 39) No compartment/niche shall be used for any purpose other than the interment of the ashes of dead human bodies or other human remains that have been cremated.
- 40) All cremated remains shall be placed in an urn, manufactured for the express purpose of containing cremated remains.
- 41) No columbarium compartment shall contain more than two (2) cremated remains.
- 42) All requests for interment of cremated remains in a family columbarium in a municipal cemetery must be submitted by the family representative to the municipal office for cemetery record keeping purposes and must be accompanied by a burial permit.
- 43) Responsibility for niche access and memorial placards lies with the family representative and the municipality takes no responsibility to provide access to a niche nor to maintain care and control of any access key.
- 44) The municipality shall not be held responsible for any damages to a family columbarium during or after construction.

MISCELLANEOUS

- 45) That plans of the cemeteries under the direction and control of the MD of Peace No. 135 shall be maintained in the records of the said Municipality showing the appropriate dimensions and distances of each cemetery and showing the appropriate locations of the Field of Honor and any other special designated areas.
- 46) Lists of recent interments, etc. shall not be given to any commercial establishment, employee or agents thereof.
- 47) No person shall disturb the quiet and good order of a cemetery by noise or any other improper conduct.
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- 48) No recreational vehicles (i.e. bikes, motorbikes, all-terrain vehicles, sleds) will be allowed to enter any of the cemeteries.
- 49) The cemeteries are open at all times to walk-in traffic.

SEVERABILITY

- 50) Each provision of this Bylaw is independent of all other provisions. If any such provision is declared invalid by a court of competent jurisdiction, all other provisions of this Bylaw will remain valid and enforceable.

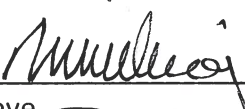
REPEAL

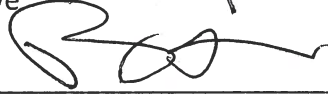
- 51) Bylaw No. 655 is hereby repealed.

EFFECTIVE DATE

This Bylaw shall come into force and effect when it receives third reading and is duly signed.

Read a first time this 9 day of July, 2019.



Reeve


Chief Administrative Officer

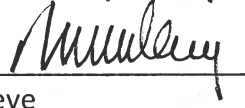
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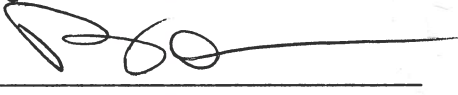


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Chief Administrative Officer

Read a third time this 9 day of July, 2019.



Reeve


Chief Administrative Officer