

COUNTY OF ST. PAUL NO. 19

CEMETERIES BYLAW

BYLAW NO. 2017-28

A Bylaw of the County of St. Paul No. 19, in the Province of Alberta, to regulate and manage cemeteries.

WHEREAS the County of St. Paul No. 19 is recognized as the owner of Cemeteries as defined in the *Cemeteries Act* C-3, R.S.A. 2000 and amendments thereto;

AND WHEREAS Council has the authority to regulate and manage Cemeteries owned by the County of St. Paul No. 19;

AND WHEREAS it is deemed expedient to pass a bylaw respecting the operation of Cemeteries owned by the County of St. Paul No. 19 to incorporate current Cemetery practices and regulations.

NOW THEREFORE, the Council of the County of St. Paul No. 19, duly assembled, hereby enacts as follows:

SECTION 1 - NAME OF BYLAW

1.1 This bylaw may be cited as the "Cemeteries Bylaw."

SECTION 2 – DEFINITIONS

2.1 "Board" means the members of the Cemetery Committee of the County of St. Paul No. 19.

2.2 "Bylaw Enforcement Officer" means any of the following:

- a) Any member of the Royal Canadian Mounted Police;
- b) Any Community Peace Officer; or
- c) The Chief Administrative Officer of the County of St. Paul No. 19 or any person designated by the Chief Administrative Officer to enforce the provisions of this bylaw.

2.3 "Caretaker" means the body placed in charge of the cemeteries.

2.4 "Cemeteries" means those cemeteries owned, operated by, and under the control of the County;

2.5 "Columbarium" means an above ground structure in a Cemetery designed and used for the interment of cremated remains.

2.6 "Concrete Runner" means the concrete structure placed at the head or foot of the Lot or Plot used for the placement of monuments and foundations.

2.7 "Council" means the Council of the County of St. Paul No. 19.

- 2.8 “County” means the County of St. Paul No. 19 in the Province of Alberta.
- 2.9 “Flowering Ornamental” means any perennial, annual, or biannual flowering plant.”
- 2.10 “Funeral Director” means any individual, firm, partnership, or corporation who arrange funerals on behalf of private clients.
- 2.11 “Licensee” means a person, firm, or corporation that acquires burial privileges for one or more Lots with fee simple to the property remaining with the County.
- 2.12 “Lot” means a single grave or niche of a Columbarium for the purpose of interment in a cemetery.
- 2.13 “Marker” means a Lot or Plot indicator with a flat and level surface placed on any Lot or Plot, level with the surrounding ground.
- 2.14 “Monument” means a memorial permanently constructed to extend above the surface of the Concrete Runner, surface of the ground, or is level with the ground.
- 2.15 “Niche” means a compartment in a Columbarium used for the interment of cremated remains.
- 2.16 “Plot” means two or more Lots as shown on a plan on record in the County Administration Office.
- 2.17 “Permit” means a prescribed form provided by the County for application to carry out work in the Cemeteries.
- 2.18 “Rubbish” means boxes, paper, weeds, decaying flowers or plants, faded wreathes, broken receptacles, and any other material the presence of which results in an untidy appearance to any part of the Cemetery grounds.

SECTION 3 – CEMETERY COMMITTEE

- 3.1 A cemetery committee is hereby established and shall be known as the “Board.”
- 3.2 The Board will assume responsibility concerned with the management, planning, and maintenance of those Cemeteries owned by the County.
- 3.3 The Board shall consist of three (3) councillors, two (2) employees, two (2) members-at-large, and a recording secretary.

- 3.4 Members of the Cemetery Committee shall be appointed to the Board for a four year term, at the organization meeting immediately following an election.
- 3.5 Members of the Board will have the following duties:
- a) The chairman must be an elected official and shall preside over meetings.
 - b) The vice-chairman must be an elected official and shall, in the absence of the Chairman, preside over meetings.
 - c) The recording secretary shall attend and take accurate meetings, maintain and keep custody of these minutes, and make these minutes available for members prior to the next meeting.
- 3.6 County Council and administration shall properly account for all funds, and by recommendation of the Board, make disbursements, as required for Cemetery purposes only.
- 3.7 Cemetery Committee meetings will be held once annually at a minimum.
- 3.8 The Caretaker may designate tasks to the Funeral Director to carry out.

SECTION 4 – GENERAL MATTERS

- 4.1 The County, or its assigned Caretaker, shall have sole control of all matters within the Cemeteries that are concerned with maintaining the grounds in a neat and pleasing condition.
- 4.2 The County, or its assigned Caretaker, shall have the authority to control pests, remove any weeds, plants, grass, or floral pieces which may become unsightly, dangerous, detrimental, or wilted in the opinion of the County or its assigned Caretaker.
- 4.3 If in the opinion of the County or Caretaker, any Flowering Ornamentals situated on or about the Cemeteries shall become, by means of their roots or branches, prejudicial to the general appearance of the grounds or become dangerous or inconvenient to the general public, the Caretaker shall have the right to remove such Flowering Ornamentals, or any parts thereof.
- 4.4 To preserve the proper appearance of the Cemetery grounds, memorial wreaths must be removed when they become unsightly. The Caretaker is authorized to remove unsightly memorial wreaths as required.
- 4.5 While the County and/or Caretaker will take all reasonable precautions to protect the property of Licensees, the County and/or Caretaker assumes no liability nor responsibility for any loss of or any damage to any Marker, Monument or part thereof, or any article of any type that may be placed on a Lot or Plot.

4.6 The County may alter its general regulations from time to time.

SECTION 5 – SALE AND TRANSFER OF LOTS, PLOTS, AND NICHES

5.1 Burial Lots, Plots, and Niches in Cemeteries are available for purchase from the County upon payment of the proper charge thereof, which is listed in the County's Fee Schedule Bylaw.

5.2 Deeded Lots, Plots, and Niches will be conveyed by the County to the Licensee on a form, and that Cemetery deed will be subject to the bylaws of the County as amended from time to time. The person acquiring Lots, Plots, or Niches under the provisions of this Bylaw shall only acquire the right and privilege of burial of the deceased therein subject to the provisions of this Bylaw and shall not be deemed to acquire any title to the land which shall remain vested in the County.

5.3 If, for any reason the County deems a previously purchased Lot, Plot, or Niche unusable, the County will supply a similar Lot, Plot, or Niche at no cost to the original purchaser or their heirs and the original Lot, Plot, or Niche will revert to the County.

5.4 No person shall make a reservation for one or more Lots, Plots, or Niches without making payment in full at the time of the reservation.

5.5 The Cemetery deed that recognizes the purchase of a Lot, Plot, or Niche cannot be resold except to the County, in which case the offer must be in writing. The County shall refund an amount representing 85% of the market value of the Lot or Plot at the date of the buy back. Notwithstanding the provisions of this section, members of the same family may transfer their deed for a Lot, Plot, or Niche to each other provided that the request is made in writing to the County.

5.6 The Cemetery survey, plans, and interment records of each Lot and Plot are housed and maintained in the County Administration Office with the records and plans of each Cemetery clearly labelled and numbered. Records shall indicate the Licensee of each Lot or Plot as well as all other information required pursuant to the *Cemeteries Act (Alberta)* and regulations passed thereunder. Copies of such plans will be available for inspection free of charge at the County Administration office.

5.7 All Lots, Plots, and Niches reserved prior to the County acquiring title will be honoured provided that the requisite verification is in place.

5.8 The County will determine the location of all Lots, Plots, and Niches that are to be sold and no Lots, Plots, and Niches will be further subdivided or altered in any manner at variance with the Cemetery plans unless authorized by the County.

SECTION 6 – INTERMENTS AND DISINTERMENTS

- 6.1 No person shall personally or by agent undertake an interment in any burial Lot unless they have produced to the Caretaker of the Cemetery or the Funeral Director, the following:
 - a) A burial permit issued by the proper office of the Government of the Province of Alberta;
 - b) An application for permission to inter a body, completed and signed; and
 - c) The full Permit fee for the Lot or Plot must be received by the County.
- 6.2 All applications for burials should be made at least forty-eight hours before the time of interment with the exception of Saturdays, Sundays, and holidays.
- 6.3 Every Licensee obtaining a Lot, Plot, or Niche in the Cemetery shall be held responsible for the cost thereof and for all charges in connection therewith, including disinterment or removal of the body when applicable. Any person signing an order for interment will be held responsible for all charges in connection to the interment. In addition, that person will be responsible for compliance with the regulations governing erection of Monuments.
- 6.4 No interment shall be made without written proof of licensing the Lot.
- 6.5 It is a condition of every deed that the Licensee expressly waived any claim arising by reason of any error in describing any burial Lot. The County endeavours as much as is reasonably possible to avoid such errors but in the event of an error, the County will make an equivalent quality of Lot, Plot, or Niche available in lieu of those originally allocated.
- 6.6 The County shall allow double depth graves provided that a minimum of three (3) feet of coverage remains between the outer shell and the surface of the ground.
- 6.7 All burials of cremated remains shall be at least eighteen (18) inches between the outer shell of the urn or vault and the surface of the ground.
- 6.8 Disinterment, except for reburial in the same grave at greater depth, will not be allowed unless permission is first obtained for that purpose from the Caretaker or Funeral Director, and if given, such permission shall be in writing and signed by the Caretaker or Funeral Director. No disinterment will occur without the Licensee providing written proof of their ownership of that Lot, Plot or Niche.
- 6.9 No disinterment of human remains shall occur for any purpose unless a licensed funeral director is present, the Chief Medical Examiner has been notified, and a disinterment permit has been issued by the Director of Vital Statistics. Disinterment fees are set out in the County's Fee Schedule Bylaw. Cremated remains may be disinterred from a Lot upon an application to and approval of the Funeral Director.

6.10 When a Lot, Plot, or Niche becomes vacant as a result of a disinterment, the land will revert to the County at the Licensee's option and the County will in such a case, purchase the Lot or Plot back from the Licensee.

SECTION 7 – MONUMENTS, MARKERS, AND LOT CARE

- 7.1 Any work carried out at a County Cemetery requires authorization from the Caretaker.
- 7.2 The County will not purchase Columbarium, Markers, Monuments, or other structures. Purchasing these items is the sole responsibility of the families of the deceased.
- 7.2 No Licensee shall erect more than one Marker or Monument per Lot.
- 7.3 Any structure or construction at Cemeteries in existence before the passing of this Bylaw may at the discretion of the Caretaker be removed free of charge by the County upon request of the Licensee or may be removed from time to time, if for reason of age or neglect they become in a state of disrepair.
- 7.4 Each owner of a Marker, Monument or other structure upon any Lot shall maintain it and assure it is in proper repair. The Caretaker will contact the Licensee or the Licensee's family members if a gravesite requires repairs.
- 7.5 Where the owner of a Monument neglects to make the required repairs or alterations within sixty (60) days after receiving notice from the County to do so, the County upon consultation with the Caretaker, shall have the power to repair or remove such Monuments.
- 7.6 If the owner cannot be located to repair or replace their Monument, the County may replace the damaged Monument with a Marker of nominal value up to \$650.00 at its discretion.
- 7.7 Monuments are placed in Cemeteries at the Owner's risk. The County shall not be held responsible for any damage, destruction, or defacement to any Marker, Monument, grave or other structure or object in a Cemetery except for damages resulting from general maintenance and upkeep such as mowing, trimming and fencing.
- 7.8 The placement of Monuments shall comply with the following requirements:
 - a) Monuments must be constructed of granite, marble, bronze, or a comparable material.
 - b) A Monument may not have a base exceeding eighteen (18) inches.
 - c) No inscriptions, insignias, or trademarks shall be placed on any Monument, which is not in keeping with the dignity and decorum of the Cemetery.

- 7.9 No Monuments or other structures will be permitted that are manufactured of cement artificial stone, wood, metal, plastics, glass, iron, tin, or another unauthorized material.
- 7.10 No Marker, Monument, or other structure shall be erected or placed in a Cemetery until:
- a) Written approval for erecting such a Marker, Monument, or structure has been issued;
 - b) Arrangements have been made with the Caretaker as it pertains to location of the Monument, Marker, or structure.
- 7.11 All persons employed in the construction and erection of Monuments or Markers or doing other works in a Cemetery whether employed by the County or not, shall be subject to the direction and control of the Caretaker or Funeral Director.

SECTION 8 – RESTRICTIONS

- 8.1 No person while in a Cemetery shall:
- a) Throw Rubbish on the roads, walkways, or grounds of the Cemetery;
 - b) Place or erect upon a Lot or a Plot any plant, fence, railing, wall, stone coping, hedge, or other enclosure;
 - c) Allow any livestock, dogs, or other pets to run at-large in the Cemeteries;
 - d) Destroy, damage, deface, or remove any Marker, Monument, or other structure or object in any Cemetery or any fence, railing, or wood installed for protection or ornamentation;
 - e) Cut any sod or move any corner posts or grave Markers in a Cemetery;
 - f) Willfully destroy, cut, break, pick or injure any tree, shrub, or plant;
 - g) Plant any tree, shrub, or Flowering Ornamental inside or outside any Lot or Plot;
 - h) Drive a vehicle at a speed in excess of fifteen (15) kilometres per hour while in the Cemetery;
 - i) Ride an all-terrain vehicle, snowmobile, other vehicle or horse in a Cemetery unless they are part of a funeral procession;
 - j) Place on any lot or plot a chair, a wooden or wired trellis, a wooden or wired cross or articles of glass or cellophane and the Caretaker shall remove such articles and dispose of them as necessary to maintain the integrity of the Cemetery;
 - k) Disturb the quiet and good order of the Cemeteries through improper noise, improper conduct, or other behavior deemed unbecoming in a Cemetery as the discretion of a Bylaw Enforcement Officer;
 - l) No person shall canvass for orders or distribute any business materials in any Cemetery; or
 - m) Enter the Cemetery carrying firearms unless the person is participating in a military funeral.

- 8.2 No Licensee shall change the grade of any Lot or Plot and the County is authorized to restore to its original grade at the expense of the Licensee any Lot or Plot that is altered in grade contrary to the provisions of this section.
- 8.3 The operator of any motor vehicle shall be responsible for any damage done by their vehicle within the boundaries of a Cemetery.
- 8.4 Any person who violates any of the provisions of this Bylaw shall be liable for a fine as set out in the County's Penalties Bylaw.

SECTION 9 – FUNDS

- 9.1 All donations, memorials, or monies received for the Cemeteries are to be used only for the purposes of the Cemeteries. A tax deductible receipt will be issued by the County for any donations of twenty-five (\$25.00) dollars or greater.
- 9.2 These funds will be disbursed at the discretion of County Council and in accordance with the recommendation of the Board.

SECTION 10 – SEVERABILITY

- 10.1 This Bylaw shall come into force on the date of final passing. Should a section or part of this Bylaw be found to be improperly enacted or *ultra vires* for any reasons, then such section or part shall be regarded as being severable from the Bylaw and the Bylaw remaining after such severance shall be effective and enforceable.

SECTION 11 – RESCISSION

- 11.1 Bylaw 2017-09 is hereby rescinded

SECTION 12 – EFFECTIVE DATE

- 12.1 This Bylaw shall come into effect upon third and final reading.

Read a first time in Council this 10th day of October, A.D. 2017.

Read a second time in Council this 10th day of October, A.D. 2017.

Read a third time in Council this 10th day of October, A.D. 2017.

(Original signed by Reeve S. Upham)

(Original signed by CAO S. Kitz)

Reeve

Chief Administrative Officer