



THE CORPORATION OF THE TOWN OF FOX CREEK, ALBERTA

BY-LAW 709-2011

CEMETERY BY-LAW

A Bylaw of the Municipal Corporation of the Town of Fox Creek, in the Province of Alberta to provide for the operation, maintenance, and control of cemeteries under the jurisdiction of the Town of Fox Creek.

WHEREAS the Council of the Corporation of the Town of Fox Creek has authority under the Cemeteries Act, Revised Statutes of Alberta 2000, Chapter C-2 and the Municipal Government Act, Chapter M-26, Revised Statutes of Alberta 2000 and amendments thereto, to adopt regulations for the operation, maintenance, and control of cemeteries under the jurisdiction of the Town of Fox Creek;

NOW THEREFORE PURSUANT to the provisions of the Municipal Government Act, Chapter M26, the Council of the Town of Fox Creek, Alberta, in regular session duly assembled, enacts as follows:

SEVERABILITY

If any provision of this By-law is declared invalid because of any word, phrase, clause, sentence, paragraph or section of this By-law or any documents which form part of this By-law or an application thereof to any person or circumstance is declared invalid, the remaining provisions shall not be affected thereby, but shall remain in force.

SECTION 1 - SHORT TITLE

This By-law may be cited as the "Cemetery By-law".

SECTION 2 – DEFINITIONS

In this By-Law:

- 2.1) **"CAO"** means the Chief Administrative Officer of the Town of Fox Creek;
- 2.2) **"Cemetery"** means land that is set apart or used as a place for the burial of dead human bodies or other human remains or in which dead human bodies or other human remains are buried;
- 2.3) **"Council"** means the Town of Fox Creek Council;
- 2.4) **"Columbarium"** means a structure designed for storing the ashes of dead human bodies or other human remains that have been cremated;
- 2.5) **"Flat Monument"** shall mean a memorial of bronze, marble, granite, fiberglass, or other non-deteriorating material to be placed flush with the surrounding ground with the epitaph to be inscribed on the top surface;
- 2.6) **"Perpetual Care"** of cemetery grounds by the Town of Fox Creek shall mean and include the seeding of lots and grave surfaces and reseeding, watering, seasonal cutting of grass and weeds, and keeping lots in neat condition and of good appearance, and such other cemetery work as may be authorized by the Council of the Town of Fox Creek.
- 2.7) **"Town"** shall mean the Town of Fox Creek;

SECTION 3 - LOCATION:

That the area described on Certificate of Title No. 10-N-272 as Lot A, containing three and eleven hundredths (3.11) acres more or less, on Plan 3995 T.R. Fox Creek and additions thereto, shall be designated as the Fox Creek Cemetery.

SECTION 4 - ZONES:

The Cemetery shall be divided into a number of zones as follows:

General Section-All lots located in Blocks 1-128 inclusive (colored red on Appendix "A")

Veteran Section -All lots numbered 1 – 42 inclusive (colored purple on Appendix "A").

Indigent Section-All lots located in Blocks 129-132 inclusive (colored yellow on Appendix "A").

Designated for Development – Blocks 52,53,64 & 65 (colored blue on Appendix "A")

SECTION 5 – ADMINISTRATION

- 5.1) The cemetery of the Town shall be under the general supervision, charge, and control of the Chief Administrative Officer, and any books, plans, records, documents, or instruments relating to the Cemetery shall be under the supervision, charge, and control of the Chief Administrative Officer;
- 5.2) The Chief Administrative Officer shall ensure the orderly maintenance and beautification of the Cemetery, and enforce the requirements of this By-law;
- 5.3) The Chief Administrative Officer shall have the authority to:
 - (i) Move any monument or article to allow for necessary work; such monument or article to be replaced as soon as possible; and
 - (ii) Repair or remove any monument that has become unsightly, after sending written notice to the last known address of the owner, next of kin, or agent, giving sixty (60) days notice to make the repairs or removal. The Town may recover any costs incurred for the repair or removal of such monument from the owner, next of kin, or agent.
- 5.4) Perpetual care of the Cemetery shall be provided by the Town;
- 5.5) All fees for burial rights, opening and closing, disinterment, or monument permits shall be those fees set by resolution of the Council from time to time;
- 5.6) Any person requesting any services shall pay said fees in advance or make such other arrangements as may be approved by the Chief Administrative Officer;
- 5.7) No services shall be provided unless all forms, permits, and documents have been completed and issued;
- 5.8) All requests for burial shall be made forty-eight (48) hours preceding the date of interment, unless special arrangements are made with the Chief Administrative Officer. All additional costs incurred as a result of such special arrangements are to be borne by the person requesting burial arrangements;
- 5.9) Burials, interment, funeral services, and monument installations shall take place during those hours and days considered normal working hours for Town staff. Notwithstanding which, the Chief Administrative Officer may make exceptions to this clause as may be required;
- 5.10) Funerals must reach the Cemetery not later than 3:30 p.m. on the date of burial, unless otherwise arranged with the Chief Administrative Officer. A

charge for overtime will be made if it is necessary for Town staff to remain after their usual working hours;

- 5.11) Any person instructing the Town to open a grave shall give complete and precise instructions regarding the size and location of the grave, and the Town shall not be responsible for any errors resulting from the lack of proper instructions;
- 5.12) Graves shall be dug and interments made only by persons under the direction of the Chief Administrative Officer; and
- 5.13) Disinterments shall be made under the direction of the Chief Administrative Officer.

SECTION 6 - SALE OF PLOTS & NICHES

- 6.1) No plots or niches shall be sold in a Cemetery owned or controlled by the Town. Burial rights shall be awarded in the form of a twenty (20) year lease, to become perpetual upon interment;
- 6.2) The term of the lease shall be for twenty (20) years, with the option of renewal without additional charge in the nineteenth (19th) year; and
- 6.3) The Town shall retain the option to repurchase the unexpired portion of any lease should the owner wish to dispose of it, with such purchase price to be prorated based on the number of years remaining in the lease.

SECTION 7 - MONUMENTS, FLORAL, AND OTHER TRIBUTES

- 7.1) Care and upkeep of monuments are the responsibility of the owner, next of kin, or agent, and such monuments shall not be allowed to become unsightly;
- 7.2) Niche plates, wreaths and engravings are the responsibility of the owner, next of kin, or agent.
- 7.3) Floral or other tributes placed at the time internment may be removed by the authorized Town staff when they become unsightly or thirty (30) days after internment;
- 7.4) Floral or other tributes other than those placed at the time of internment shall be on a stand that can be easily moved for maintenance;
- 7.5) Flat Monuments shall be installed over a two inch (2") sand base. Flat monuments should be placed flush with the surrounding ground;
- 7.6) All monuments other than flat monuments shall be placed on a precast cement base. The precast cement base shall be a minimum of four inches (4") in thickness, and shall provide for a minimum four inch (4") border around the perimeter of the monument, however, in no case shall the concrete base extend beyond the boundaries of the width of the plot and in no case shall it exceed twenty-four inches (24") in length in the case of an adult grave or cremation plot, and eighteen inches (18") in length in the case of a child's grave or cremation plot. The base shall be placed parallel to and even with the head of the plot, flush with the surrounding ground; and
- 7.7) The Town must be advised twenty-four (24) hours in advance of the installation of monuments, unless other arrangements have been made with the Chief Administrative Officer.

SECTION 8 - OFFENCES AND PENALTIES

- 8.1) Any person who willfully destroys, mutilates, writes on, defaces, injures, or removes any monument, tombstone, or marker, or any structure,

vehicle, building, machinery, tool, equipment, or any material placed or left in the Cemetery, or any railing, fence, or other work for the protection, maintenance, or ornamentation of the Cemetery, or burial plot, or willfully destroys, cuts, picks, breaks, or injures any tree, shrub, or plant in the Cemetery, or plays any game or sport, or discharges or carries a firearm except firearms at a military funeral, or who willfully or unlawfully disturbs persons assembled for the purpose of burying a body in the Cemetery, or who commits a nuisance, or at any time behaves in an indecent or unseemly manner in the Cemetery is guilty of an offence and shall be subject to the penalties of this By-law;

- 8.2) No person shall turn loose, ride, or allow to go at large, any cattle, swine, horses, dogs, cats, or any other animal in the Cemetery;
- 8.3) No person shall be permitted to drive a carriage or conveyance within the Cemetery at a greater speed than ten (10) miles per hour, nor elsewhere than upon the roadways provided for vehicular traffic;
- 8.4) No person shall be permitted to drive, ride, park, or operate any all terrain vehicles, minibikes, motorcycles, or any off-highway vehicles, or snow vehicles within the Cemetery;
- 8.5) The Town shall have the right to prohibit the entry of any person or persons who do not have related business at the Cemetery;
- 8.6) The Town shall not be responsible for any damages, whether willful or accidental to any marker, monument, or headstone within the Cemetery; and
- 8.7) Any person who contravenes any of the provisions of this By-law is guilty of an offence and is liable to a penalty upon summary conviction not exceeding Two Thousand Five Hundred Dollars (\$2,500.00).

SECTION 9 - MISCELLANEOUS PROVISIONS

- 9.1) All burials are to be made within the confines of a single plot. There shall not be more than one burial per single plot. There shall be no more than four containers of cremated remains permitted per single plot;
- 9.2) There shall not be more than two Cremains permitted per Columbarium Niche; (niche size is 12" x 12" x 18" deep).
- 9.3) Cremated remains shall be in a sealed, non-biodegradable container or urn constructed of permanent, durable material.

2. **SECTION 10 – EFFECTIVE DATE**

10.1) This bylaw comes into full force and effect upon third and final reading.

10.2) By-law 349-89 is hereby rescinded with third and final reading of this By-law.

READ A FIRST TIME this day of November, 2011.

READ A SECOND TIME this day of November, 2011.

READ A THIRD AND FINAL TIME this ____ day of November, 2011.

Leora MacKinnon
Mayor

Ken Gwozdz
Chief Administrative Officer