

By-Law #1634 **Cemetery Bylaw**

A Bylaw of the Town of Cardston, in the Province of Alberta, to regulate its cemetery.

WHEREAS, the *Cemeteries Act*, R. S. A. 2000, Chapter C-3 provides that the Council of the Town of Cardston may authorize the purchase, maintenance and control of cemeteries;

NOW THEREFORE, the Council of the Town of Cardston, in the Province of Alberta, duly assembled, enacts the following:

Title

1. This Bylaw will be referred to as the Cemetery Bylaw.

Definitions

2. In this Bylaw:
 - a. "Adult" means any person eight (8) years of age or over.
 - b. "Babyland" means that section of the Cemetery set aside for infants 1 year of age and under.
 - c. "Block" means a subdivision within a Cemetery which contains lots and plots.
 - d. "Burial" means the interment of human remains or cremated human remains in an earth plot.
 - e. "Burial Permit" means a burial permit issued under the Vital Statistics Act.
 - f. "CAO" means the Chief Administrative Office of the Town.
 - g. "Cemetery" means the present cemetery of the Town of Cardston.
 - h. "Cemetery Caretaker" means the person assigned by the CAO, or under contract to the Town, to be the principal person charged with carrying out the various tasks required in the Cemetery including lawn cutting, grave opening, headstone relocation, etc.
 - i. "Child" means an individual over the age of two (2) years and under the age eight (8) years of age.
 - j. "Concrete Liner" means an external liner made of concrete that protects a casket after it is buried.
 - k. "Disinterment" means exhumation or removal of human remains or cremated human remains from a grave or out of the ground;
 - l. "Foundation" means a permanent support providing a base for a monument.
 - m. "Grave" means a plot that has been opened or used as a place of burial; an opening dug in a burial plot for the purpose of the interment of human remains.
 - n. "Headstone" means a stone marker set at the head of a grave; gravestone.

- o. "Holiday" means all general holidays proclaimed by the Town of Cardston, the Province of Alberta or the Government of Canada.
- p. "Immediate Family" means spouse, mother, father, brother, sister, son, or daughter of the owner of a plot.
- q. "Infant" means an individual less than 2 years of age.
- r. "Interment" see Burial.
- s. "Leash" means a chain or other material capable of restraining the animal to which it is attached.
- t. "Lot" means a set of subdivisions within a Block of the Cemetery containing a number of Plots.
- u. "Memorial" means any object or structure within the cemetery upon which a memorial marker may be placed, including a memorial wall, a bench, a tree, a boulder, etc.
- v. "Monument" means a structure in a cemetery placed or constructed on a plot for the purpose of memorializing the individual(s) buried in the plot.
- w. "Non-Resident" means
 - i. a person who has never lived in Cardston;
 - ii. whose immediate family including Grandparents have never lived in Cardston; or
 - iii. who does not have any immediate family, including Grandparents, interred in the Cardston Cemetery.
- x. "Pedestrian" means a person travelling on foot, and includes any person on roller skates, roller blades, skateboards, longboards, crutches, motorized scooters, mobility devices, bicycle, or other similar devices.
- y. "Perpetual Care" means the leveling and seeding of plots and grave surfaces, leveling and re-seeding when necessary, cultivation as may be necessary in connection with such seeding and re-seeding, seasonal cutting of grass and weeds, keeping lots in neat condition and of good appearance, maintenance of columbarium.
 - i. "Perpetual Care" does not mean the care, maintenance, upkeep, repair, or replacement of any monument, plaque, or similar object placed in the Cemetery with Town approval.
- z. "Plot" means a subdivision within a Lot of the Cemetery, to be used for Burial of human remains or cremated human remains.
- aa. "Preneed Plots" means plots that are purchased prior to the death of the individual intended to occupy them.
- bb. "Reservation" means that a plot has not been purchased by the one making the reservation, but that the Town agrees not to sell the plot to anyone else for a period of time.
- cc. "Resident" means
 - i. a person who is living or has lived in Cardston;
 - ii. whose immediate family including Grandparents are living or have lived in Cardston; or

- iii. whose immediate family including Grandparents are interred in the Cardston Cemetery.
- dd. "Rights Holder" means the legal owner of a plot.
- ee. "Town" will mean the Municipality or Town of Cardston.
- ff. "Vehicle" means a conveyance device used for transporting passengers or things by land and includes, but is not limited to, cars, trucks, vans, wagons, and carriages.
- gg. "Veteran" means a former member of the Canadian Armed Forces as determined by the Department of Veteran's Affairs Canada.

General Provisions

- 3. No person will bury a human body within the limits of the Town except in the Cemetery in accordance with the provisions of this bylaw.
- 4. The Town Cemetery is solely for the purpose of the burial of dead human remains and for the memorialization of dead humans.
- 5. The Town accepts no responsibility for any error or misunderstanding that may arise from burial arrangements made by phone.

Operation and Maintenance

- 6. The Town will not be responsible for replacing, repairing, or making good anything damaged or destroyed by earthquake, lightning, cyclone, or defect in manufacture or any other thing over which the Town has no control.
- 7. No shrub or tree will be planted in the cemetery without the permission of the Cemetery Caretaker.
 - a. The Cemetery Caretaker reserves the right to remove from any grave or plot any tree, tree branches or roots that may become detrimental, dangerous or unsightly.
- 8. The Cemetery Caretaker will have the authority and power to remove any monument, headstone, inscription, or other structure determined by the Town to be improper or offensive to good taste.
 - a. Any costs incurred will be charged against the Rights Holder.
- 9. No heavily loaded Vehicle will be permitted to enter the cemetery when or if the Cemetery Caretaker thinks it might damage the roads or paths.
- 10. The surface of Plots may not be raised above the height of the surrounding ground.
 - a. The cost of bringing the surface of a raised Plot down to the level of the surrounding ground will be charged to the Rights Holder.
- 11. All flowers and other appropriate amenities must be placed on the headstone or headstone base.
 - a. Only real flowers will be allowed during the period of April 1 to September 30.
 - b. Plastic flowers may be placed on headstones or headstone bases between October 1 and March 31. The Cemetery Caretaker will each spring remove all plastic flowers on April 1.

- c. No glass vases or glass jars will be allowed.
- 12. Since, at the time of burial, there are no headstones or headstone bases on the grave, floral tributes may be left on or near the grave until they are wilted, or for a week in the case of artificial flowers. Flower arrangements will then be removed without notice by the Cemetery Caretaker.
- 13. One week after major Holidays, all seasonal decorations will be removed.
- 14. No form of advertising matter will be allowed to be displayed in any part of the Cemetery.
- 15. All repairs are to be done by the Cemetery Caretaker.
- 16. If outside contractors move heavy materials or equipment over lots and paths, they must use planks or wood to protect the lots.
 - a. Any damage done to a marker or monument will be the responsibility of the outside contractor.

Duties of CAO

- 17. The CAO of the Town or their designate is authorized to execute all deeds, conveyances and endowment certificates.
 - a. All deeds, conveyances and certificates will be made in duplicate and one of such duplicates will be kept on file by the Municipality.
 - b. The Municipality will keep a register of all plots sold.

Perpetual Care

- 18. The purchase cost of all graves shall include the cost of Perpetual Care as laid out in Schedule A.

Burials, Interments, Inurnments, Disinterment

- 19. All graves must be opened and closed by the employees or contractors of the Town of Cardston and will conform to Provincial standards.
 - a. Town machinery and employees will be utilized first to open or close graves. If Town machinery and employees are not available, the Cemetery Caretaker will be compensated for the use of his own machinery to open or close graves.
- 20. The Town may request proof of purchase to identify the plot or prove the right to use the plot.
- 21. No person will be interred in the cemetery without two business days notice to the Town of Cardston.
- 22. Interment times during the months of December and January will not be allowed later than 4:00 p.m. due to insufficient daylight hours.
- 23. If, under extreme or adverse weather conditions, more time is required to prepare burial sites, the Town will notify the parties involved of the extra time required, and this extra time will remain in effect until further notice.

24. No burial or funeral service will be permitted in the Cemetery on a Sunday or Holiday except by applying for and receiving special permission from the CAO not less than 16 working hours prior to the proposed burial date.
25. No burial, placement of cremated remains or disinterment will take place in the Cemetery unless and until there is produced and shown to the Town the following documents:
 - a. Burial Permit or Disinterment Permit issued by the proper official of the appropriate Province or State.
 - b. A completed contract for burial or disinterment which is signed by the Rights Owner and the CAO or their designate disclosing the following particulars:
 - i. Name of the Deceased Person,
 - ii. Last known residence of the deceased,
 - iii. Block, Lot and plot numbers,
 - iv. Date of death,
 - v. Day and date of burial/disinterment,
 - vi. Arrival time at Cemetery,
 - vii. Sex of deceased,
 - viii. Date of birth of deceased,
 - ix. Name of firm and individual making arrangements,
 - x. Name and address of plot owner or personal representative,
 - xi. Owner of burial rights or his/her personal representative making arrangements, and signature,
 - xii. The service number of a veteran/ and if required the service number of a Veteran spouse.
 - xiii. Acknowledging receipt of payment in full for all fees and charges, or approval of credit by the CAO for work to be done at the expense of the Town
26. Funeral Directors must close the casket or coffin and fasten it securely before it is lowered into the ground.
27. No disinterment will be allowed in any plot, or body removed from a plot, without the written order of the Town.
 - a. No such written order of the Town will be issued until proper permit has been submitted to the Municipality from the Department of Vital Statistics of the Province of Alberta.
28. Concrete liners must be used with all burials.
29. The Town accepts no responsibility for a burial site not prepared due to the late arrival of a concrete liner or vault.
30. No persons will accept any fee or reward for a burial or the resale of burial rights in a plot of which such a person is the owner of the contract for burial rights, or over which they exercise any power or control.
31. The Town will not be responsible for the condition of cremated remains or the container of the cremated remains if a Concrete Liner was not used at the time of interment.
32. All cremated remains must be buried.

- a. There will be no scattering of cremated remains on individual plots or common areas.
33. Multiple burials in plots:
- a. No more than one adult body will be buried in a single grave.
 - b. An infant or child may be placed in the same plot as an interred adult upon approval of the Cemetery Caretaker, Municipal CAO, or their designate.
 - c. A maximum of ten (10) cremations will be permitted in an empty, full size 10 foot plot.
 - d. A maximum of eight (8) cremations will be permitted in an empty, full size 8 foot plot.
 - e. A maximum of two (2) cremations will be permitted in a plot with an interred person.
34. Salutes involving the discharge of firearms will be permitted only for military funerals and provided that the CAO or their designate is notified in advance and permission is obtained from the officer in charge of the Cardston RCMP Detachment.

Sales and Records

35. No Rights Owner of plot shall subdivide, resell, transfer, or permit the burial of anyone except their immediate family without the consent of the CAO or their designate.
36. A contract for the purchase of burial rights in plots, or the rights to memorialize on Town-owned monuments or memorial wall, must:
- a. be in writing;
 - b. be signed by the purchaser and the CAO or their designate;
 - c. state the name of the salesperson or the name of any Funeral Home for whom the salesperson is acting;
 - d. state the full name of the person the space is reserved for; and
 - e. contain a clause of the right to cancel by the purchaser or Town, and the notice must be at least as prominent as the contents of the contract.
37. All persons who purchase Plots in the Cemetery will be responsible for the associated costs and for all the charges incurred now and in the future.
38. Preneed Plots will not be held under a general family name unless a written agreement is signed by the current Rights Holder and the CAO or their designate stating, in plain terms, the manner in which the plots will be assigned to particular family members.
39. Rights Holders may cancel Preneed Plot contracts without charge or penalty at any time during the thirty (30) consecutive days from the date of the purchase.
- a. After the thirty (30) day cancellation period is over, the Town will purchase the space back from the owner for 75% of the current purchase cost.

Reservations

40. Cemetery Plots may be reserved for one (1) year. During this period the space will not be offered for sale or sold to any other person.

- a. A space may be held longer than one (1) year if a date is set and agreed upon by the customer and the Town at time of reservation.
41. After the expiration of a year from the date a Plot was reserved, the Plot may be sold to another interested party, without prior notice, if
- a. No payment has been made towards the Reserved Plot's purchase within the reservation period, and
 - b. The person who Reserved the Plot has not received an extension from the Town.

Public Access

42. Pedestrians may have access to the public walks and grounds of the Cemetery any day from sunrise to sunset, but must observe the regulations in this bylaw.
43. No person, without the permission of the Town will be or remain within the Cemetery during the hours of darkness in any day.
44. The Town will not be held responsible for any injury resulting to any person who enters the Cemetery.
45. No picnic, parties, or gatherings, except for funerals or related ceremonies or observances permitted by the Town, will be held or be allowed within the Cemetery.
46. The Cemetery does not assume any liability for decorations placed at burial sites.

Headstones and Monuments

47. No headstone, monument or marker may be placed in the cemetery without the location being first marked by the Cemetery Caretaker and the appropriate permit being obtained.
48. All headstones, monuments and markers must be set on or in a foundation which is lawn level and extends a minimum of four inches on each side from the headstone or any permanent vase.
- a. The foundation must be a minimum of three and a half inches thick.
49. Maximum dimensions for a Monument are 48 inches by 28 inches for a single grave and 96 inches by 28 inches for a double grave.
- a. Maximum height for any monument is 30 inches
50. Headstones must be placed within the plot(s) containing the graves they mark. Headstones are to be centered at the West or head end of the plot(s).
- a. When a double headstone is placed to mark graves, one of which is unoccupied, the headstone should be placed, if possible, over the occupied grave, and centered after both graves are occupied.
 - i. Section 50.a does not apply if the Plots are 10 feet or more long.
51. All headstones, monuments, and markers must be placed at the head (west) end of the plot unless they are to mark a secondary burial.
52. Headstones marking infant graves in Babyland:
- a. Must be set on a foundation which is lawn level and extends a minimum of four inches on each side from the headstone.

- b. The foundation must be a minimum of three and one half inches thick.
 - c. The maximum dimensions for a foundation in Babyland are 26 inches by 18 inches.
 - d. The maximum dimensions for a headstone placed on an infant grave in Babyland are 17 inches by 12 inches.
 - e. The maximum height is 4 inches.
53. Headstones marking secondary burials for child or infant graves, cremation ashes, etc. where there is already a headstone placed at the head (west) end of the plot must be placed at the base of the existing headstone and must be lawn level.
- a. A maximum of two (2) secondary headstones may be placed on plot.
54. Temporary markers supplied by the funeral home will be removed after one (1) year from time of burial.
55. Potted plants and artificial flowers will be allowed on lots provided they are totally contained and secured in a permanent vase that is part of the monument.
56. Vases must be constructed of non-breakable material and are to be affixed and make up part of the monument.
57. If a preneed headstone needs to be moved to prepare a plot for burial, the Rights Owner will pay an additional \$50.00 to cover the work of moving the marker.

Inheritance

58. When the Rights Holder of a plot dies, the burial rights will pass to the Executor of their estate, who will then be the Rights Holder.
- a. Before the Executor can obtain registration of their interest to the burial rights, the Town requires proof of their right to such interest.

Veterans

59. Confirmation of eligibility for burial in the Field of Honour Section allocated to a member of the Canadian Armed Forces is required on contract for the cemetery services by the Royal Canadian Legion.
60. The Town may set apart a portion or portions of the Cemetery as a Soldiers' Section for the burial of any person who has been in active service with the Armed Forces of Her Majesty's Allies.
61. Traditional casket burial of a non-veteran spouse may be permitted through confirmation from the Royal Canadian Legion.

Penalties

62. A person who does any of the following is guilty of an offense, as per the *Cemetery Act*:
- a. Destroys, mutilates, defaces, injures, or removes any monument, gravestone or other structure placed in the Cemetery;
 - b. Destroys, cuts, breaks, injures, or removes any tree shrub or plant in the Cemetery without the permission of the Cemetery Caretaker;

- c. Damages the roads, paths, or plots in the Cemetery;
 - d. Encloses any Plot, Lot, or Block of the Cemetery without the approval of the Town;
 - e. Raises the surface of a Plot above the height of the surrounding ground;
 - f. Plays any game or sport in the Cemetery;
 - g. Enters the Cemetery with firearms or discharges firearms in the Cemetery, except at a funeral for Armed Forces Personnel with the written permission of the Cardston RCMP Detachment Commander;
 - h. Disturbs persons assembled for the purpose of burying a body in the Cemetery; or
 - i. Commits a nuisance in the Cemetery; or
63. Any person who does the following is guilty of an offence, and shall be fined and dealt with in accordance with the appropriate Bylaw of the Town of Cardston:
- a. Allows domestic or farm animals to roam uncontrolled in the Cemetery.

Repeal Bylaws

64. Bylaw #1486 is hereby repealed.

This Bylaw comes into force on the day it is finally passed.

Received First Reading this 14th day of July, 2015.

Received Second Reading this 11th day of August, 2015.

Received Third and Final Reading this 11th day of August, 2015.

Signed by the Mayor and the Chief Administrative Officer this 13th day of August, 2015.

Mayor
Maggie Kronen

Chief Administrative Officer
Jeff Shaw

Schedule A

Rates and Fees

	Resident	Non-Resident
Opening & Closing of a Grave	\$450.00	\$900.00
a baby in a regular plot	\$275.00	\$490.00
a baby in babyland	\$0.00	\$275.00
Purchase of a Plot	\$250.00	\$500.00
in babyland	\$0.00	\$250.00
Perpetual Care	\$450.00	\$900.00
Cremation Opening and Closing	\$100.00	\$200.00
Permit Fee	\$25.00	\$25.00