

VILLAGE OF DONALDA

BYLAW #696

A BYLAW FOR THE VILLAGE OF DONALDA IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR THE CONTROL AND REGULATION OF THE CEMETERY OWNED AND OPERATED UNDER THE CONTROL OF THE VILLAGE.

WHEREAS: The Municipal Government Act, Revised Statutes of Alberta, RSA, 2000, C.M.26.1 and amendments thereto, section 7(a) provides that a Municipal Council may pass a Bylaw for purposes respecting the safety, health and welfare of people and the protection of people and property and for services provided by or on behalf of the municipality pursuant to the Municipal Government Act, RSA 2000, Chapter M-26.

AND WHEREAS: the Municipality deems it desirable to provide for the control and regulation of Cemeteries operated by and under the control of the Village in accordance with the Cemeteries Act, RSA 2000, Chapter C-3.

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE VILLAGE OF DONALDA, IN THE PROVINCE OF ALBERTA, DULY ASSESMBLED, ENACTS AS FOLLOWS:

1.0 Short Title

This Bylaw may be cited as the "Cemetery Bylaw"

2.0 Application

- 2.1 This Bylaw applies to any land defined as a "Cemetery" as set out in section 3.6.
- 2.2 The Village of Donalda Municipal Cemetery is solely for the purpose of the burial of dead human remains and for the memorialization of dead humans.
- 2.3 The Donalda Municipal Cemetery is an interdenominational Cemetery.

3.0 Definitions

In this Bylaw, unless the context otherwise requires:

- 3.1 "Act" means the Cemeteries Act, RSA 2000, C-3 as amended from time to time and any regulations enacted there under.
- 3.2 "Base" means a foundation or footing of concrete to support a Monument or Memorial Tablet.
- 3.3 "Block" means a block shown on a Plan of Subdivision of a cemetery on record in the Village Administrative Office.

- 3.4 "Burial" is the opening and preparation of the Cemetery Grave Plot for Internment, the lowering and installation of the Grave Liner, and the back filling of the Grave Plot.
- 3.5 "Burial Permit" means a Burial Permit issued under the Vital Statistics Act, Government of Alberta
- 3.6 "Casket" means a long, narrow box, typically of wood, in which a corpse is buried or cremated
- 3.7 "Cemetery" means land that is set apart or used as a place for the burial of dead human bodies or cremated human remains or in which dead human bodies or cremated human remains are buried.
- 3.8 "Cremain Grave Plot" means an ashes Plot.
- 3.9 "Council" means the Municipal Council of the Village of Donalda
- 3.10 "Disinterment" means the removal of dead human remains or cremated human remains from a grave plot.
- 3.11 "Foundation" means a rectangular concrete Base to support a Monument or Memorial Tablet
- 3.12 "Grave Liner" means a concrete enclosure used for encasing a casket for the interment of dead human remains or cremated human remains.
- 3.13 "Grave Plot" means land in the cemetery shown on a plan on record with the Village of Donalda which has been designated for Interment of dead human or cremated human remains.
- 3.14 "Holiday" means all general and statutory holidays proclaimed by the Village of Donalda, the Province of Alberta or the Dominion of Canada.
- 3.15 "Interment" means the Burial or placement of dead human remains or cremated human remains in a Grave Plot.
- 3.16 "Monument" means a structure of granite, marble or stone which projects above the level of the surrounding ground.
- 3.17 "Memorial Tablet" means a flat structure of bronze, marble or granite placed on a base on a Grave Plot, level with the surrounding ground.
- 3.18 "Perpetual Care" means the ongoing maintenance of the cemetery and grave plots.
- 3.19 "Resident" is a person who has resided within the Village of Donalda & District preceding his or her death. For the purposes of this Bylaw a resident can also be an individual with a family tie. This may be a relative who resides or has resided within the Village of Donalda & District.
- 3.20 "Ribbon" means a continuous strip of concrete used for the placement of Monuments
- 3.21 "Village" means the Village of Donalda
- 3.22 "Urn" means a container used for storing cremated human remains.
- 3.23 "Vehicle" has the same meaning as it has in the Highway Traffic Act

4.0 Location of Cemetery

Part 1

The lands described as Meridian 4, Range 18, Township 41, Section 32, containing an area of 2 13/16 acres more or less.

Part 2

The lands described as Meridian 4, Range 18, Township 41, Section 21, containing an area of 1.02 acres more or less.

5.0 Plans

The Village shall keep available for public inspection during regular office hours, a copy of the Cemetery plan which shall show the area for Burial Purposes, subdivided into blocks and grave plots.

6.0 Sale of Plots

- 6.1 Council is hereby authorized to adopt by resolution, any charges to be made for the purchase of a Grave Plot and the opening and closing of the grave plot in the cemetery, and perpetual care fees as deemed necessary from time to time.
- 6.2 The cost of grave plot does not include the placement, maintenance or removal of monuments or memorial tablets.
- 6.3 All grave plots shall be held and disposed of free from the provisions of the Land Titles Act.
- 6.4 The Village will provide to the purchaser a receipt which shall clearly state the name and address of the person(s) to the interred, the description of the grave plot purchased and the total consideration paid.
- 6.5 No person shall sell a grave plot to any other person. However upon proof of ownership, a grave plot may be sold back to the Village for the amount the grave plot was purchased for minus a 15% administration fee.
- 6.6 The Village shall have the right to refuse to sell the use of more than 4 grave plots to any one individual or estate.

7.0 Plot Sizes

- 7.1 A Grave Plot shall not be less 5'x10'.

8.0 Interments

- 8.1 Only dead human remains or cremated human remains shall be interred in the Donalda Cemetery.
- 8.2 Interment Options:
 - a) One casket and maximum 2 urns will be allowed per plot. A casket burial may not take place after cremated remains have been buried on a plot. Cremated remains may be buried over a casket at the same time as interment or may be buried on the same plot any time after interment.
 - b) A maximum of four urns or containers of ashes will be allowed per plot.
- 8.3 All Burials with the exception of cremain burials will involve the use of a casket and a grave liner.
- 8.4 No Burials shall be permitted in the cemetery unless the party applying for the burial provides a burial permit from the Government of Alberta Vital Statistics.

8.6 A minimum of seventy-two hours (three business days) prior notice is required for the preparation of grave plot.

8.7 No interment shall be permitted in the Cemetery until the "Request for Grave Plot/Interment Application" provided by the Village, has been completed and signed by the party applying for the permit and approved by administration.

8.8 Interments may be permitted in the Cemetery on a Weekend/Statutory Holiday subject to payment of applicable fees and charges.

8.9 Funerals shall be conducted at the Cemetery between the hours of 8:30am and 3:30pm.

8.10 The funeral director or other person officiating at the interment shall be responsible for the arrangement of opening and closing of plot, the supply and operation of lowering devices and the supply and placement of mats, wreaths, flowers etc. around the plot.

8.11 Funeral corteges shall follow the route indicated by the Village and the Village has the authority to restrict the number and kind of vehicles that may enter the cemetery and the roadways that may be used.

8.12 The Village shall not be responsible for the condition of cremated human remains or the container of the cremated human remains if a permanent outer box was not used at the time of interment.

8.13 Grave Plots may only be opened for Interments by persons authorized by Village Administration.

9.0 Disinterment

9.1 Village employees do not disinter bodies or cremains. A private contractor must be engaged. The Village must be notified in writing at least three working days prior to disinterment taking place. All Cemetery Act regulations must be followed in disinterring remains.

10.0 Monuments and Memorial Tablets

10.1 All foundations, Monuments and Memorial Tablets shall be confined within the boundaries of a grave plot and shall be placed in such a manner as to maintain proper alignment.

10.2 There will be a maximum of one (1) upright monument and one (1) memorial tablet per grave plot. All names must be engraved on the monument/memorial tablet.

10.3 A monument deposit shall be taken at the time of burial which if after two (2) years has passed and no permanent market has been erected the monument deposit will become non-refundable and the village will install some form of permanent marker for the grave.

10.4 No work shall be done upon any Monument/Memorial tablet nor any monument and/or memorial tablet shall be removed from the grave plot without approval from Village administration. All persons installing monuments and/or memorial tablets shall ensure that the surrounding areas are left in the same condition found.

10.5 No monuments and/or memorial tablets shall be installed from November 1 to April 30.

10.6 No monument and/or memorial tablet shall be installed in such a manner that the neighboring grave cannot be opened. Any raised monument must have a six (6) inch flat cement border surrounding the base of the monument. All monuments/tablets must be contained within the grave plot boundary.

10.7 Insurance for monuments is the responsibility of the purchaser, **not** the municipality. Insurance should cover vandalism and replacement costs.

10.8 The placement of the cement base and monument including the costs of the same is the responsibility of the family of the deceased in all sections of the cemetery. Families shall be responsible for monuments in disrepair.

10.9 The Donalda Cemetery Club will provide the Village with a list of any monuments and/or memorial tablets that are in a state of disrepair. The Village will contact the plot owner or next of kin as per the Alberta Cemetery Regulations to make the repairs.

10.10 If ashes are scattered inside the cemetery boundaries, no monument or marker can be set up or placed within the cemetery unless a plot is purchased for that purpose.

11.0 Maintenance

11.1 The Village of Donalda cemetery club is responsible for the general maintenance and care of the grounds of the Municipal cemetery. Duties include but are not limited to cutting grass, seeding and re-seeding grave plots when necessary, watering and keeping the grave plots in neat condition and good appearance.

11.2 The Cemetery Club shall have the authority to remove any weeds, flowering plants, branches etc. which may be deemed unsightly.

11.3 The Cemetery Club will complete an annual inspection of the cemetery which outlines any maintenance issues needing to be addressed. This includes a list of any monuments or memorial tablets that are in need of repair or maintenance. A copy of this list will be provided to the Village.

11.4 The Cemetery Club is not responsible to do any work for plot owners, but may at his/her discretion.

11.5 It is the responsibility of the owners of grave plots to maintain all monuments and/or markers to the satisfaction of the Village.

11.6 The Village will not accept responsibility for lost or damaged floral arrangements under any circumstances. Artificial flowers shall be removed at the discretion of the caretaker when they are deemed to be unsightly.

11.7 In the interest of the overall appearance of the Cemetery, no person shall:

a) Injure any tree, shrub or plant growing in the Cemetery or pick or destroy any flower growing therein or write upon, mark, scratch or deface any amenity, Memorial tablet, monument, plaque, cross, fence, gate, building or structure within or around the cemetery.

b) Place or deposit a glass encased wreath or any stand, holder, vase, receptacle, jar, bottle, or pot made of glass or other breakable material on any grave plot.

c) Place iron or wire works, or any ornamentals or construction of any kind unless written approval has been granted by the Village of Donalda CAO.

11.8 The Village shall remove from the cemetery or from any grave plot therein any memorial tablet, monument, plaque, cross, fence, railing, enclosure, structure, any tree, shrub, plant, flower bed or inanimate object which may have placed without written permission from the Village administration without any notice to any interested person.

11.9 No grave plot shall be raised above the level of the surrounding ground.

11.10 Flowers, funeral designs, or flower pieces will be permitted on the grave plot from the day of the burial for a period of 5 days. The Village public works shall have the authority to remove these items after that time period.

11.11 The Village shall not be responsible for any damage to any grave plot, memorial tablet, monument or other structure located within the cemetery unless such damage is shown to be caused directly by the negligence of the Village, its agents or employees.

12.0 Public Access

12.1 No person other than an employee under the direction of the Village of Donalda CAO shall enter or remain in the cemetery between sunset of one day and sunrise of the day next following.

12.2 No dogs or other animals shall be allowed in the cemetery.

12.3 All persons walking in the cemetery shall keep to the paths and walkways and shall not walk upon or across any grave plot.

12.4 The Village, its agents or employees shall not be responsible for any injury to any person who enters the cemetery.

12.5 Any person who disturbs the quiet and good order of the cemetery by noise or improper conduct, or who violates any provisions of these regulations may be expelled from the cemetery.

13. Tariff of Rates

13.1 The Village of Donalda shall make available to the general public during office hours a tariff of rates for the following:

a) Prices for the cost of a grave plot for Resident (or family tie to Donalda) and Non-Resident

b) Perpetual Fees – charged at the time of interment.

c) Monument Deposit - charged at the time of interment.

14.0 Severability

If any portion of this bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the bylaw deemed valid.

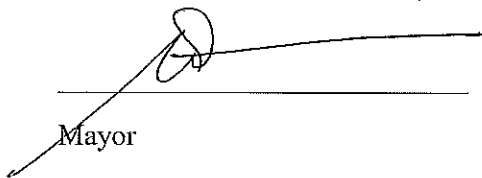
This Bylaw shall come into full force and effect upon final reading.

Bylaw #696 was given first reading and passed in open council duly assembled in the Village of Donalda, in the Province of Alberta, this 16th day of August, 2016.

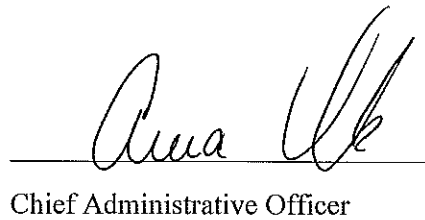
Bylaw #696 was given second reading and passed in open council duly assembled in the Village of Donalda, in the Province of Alberta, this 16th day of August, 2016.

Unanimous consent for third and final reading was given this 16th day of August, 2016.

Bylaw #696 was given third and final reading and passed in open council duly assembled in the Village of Donalda, in the Province of Alberta this 16th day of August, 2016.



Mayor



Chief Administrative Officer

