

Bylaw 761-23 Cemetery

Being a Bylaw of the Village of Donalda to provide for the care, control, and regulation of Donalda Cemetery.

Whereas, the Council of the Village of Donalda, in the Province of Alberta, deem it wise, equitable and practical to regulate the use of the Donalda Cemetery, and

Whereas, the Council of the Village of Donalda, in the Province of Alberta wishes to maintain and keep the Cemetery grounds in a sightly manner, and

Whereas, the Cemeteries Act, RSA 1980, c.C-2 as amended, and the regulations thereunder, permit a municipality to own and operate Cemeteries within its boundaries, and

Whereas, the Municipal Government Act, Chapter M-26.1, 1994 and amendments thereto, authorizes Council to set regulations governing Cemeteries, and

Now therefore the Municipal Council of the Village of Donalda, in the Province of Alberta, duly assembled, enacts as follows:

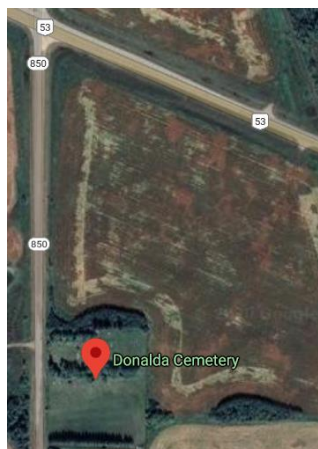
A. Short Title:

This Bylaw shall be known as the "Cemetery Bylaw" of the Village of Donalda.

B. Definitions:

In This Bylaw, unless the context otherwise requires:

1. "Base" means a foundation or footing to support a monument or marker. The purpose of the Base is to provide a buffer for maintenance purposes. The Village of Donalda will not be held liable for any damage caused to the Base as the result of cemetery maintenance.
2. "Block" means a group of Lots as shown on the map of the Cemetery in record in the Village Office. A Block will normally be 20 feet by 20 feet.
3. "Burial Permit" means a form of authorization or certificate issued by an Authority, Federal or Provincial Agency or Funeral Home and is required to bury, cremate, or otherwise dispose of the body of a deceased person. The Village will not consent to a Burial, or a Cremation, without a Burial Permit or Certificate.
4. "Cemetery" means land within the Village of Donalda set apart for or used as a place for the interment of the dead or at which human bodies have been buried, and known as Donalda Cemetery namely:
-NW Section 32, TWP 41, RGE 18, West of the 4th.



5. "Council" means the Council of the Village of Donalda.
6. "Dead" means the exclusive right to use a Lot in Donalda Cemetery, as described in the said document for burial of human remains.

7. "Foot Marker or Secondary Marker" means Markers installed to mark an interment on a Lot that already has a Primary Monument or Marker.
8. "Flowering Ornamental" means any perennial, annual, and bi-annual flowering plants. The planting of Flowering Ornamentals is not permitted.
9. "Grave or Grave Site" means an excavation or closure, occupation of a Lot or the burial of human bodies or cremated remains.
10. "Grave Decorations" means anything placed in or adjacent to a Grave for memorial purposes.
11. "Indigent" means a person without means, support, or known relatives requiring Burial at Burial at the Donalda Cemetery.
12. "Interment/Burial" means the ceremonial service of the burial of human bodies or cremated remains, the lowering of the human remains or cremated remains into the Grave.
13. "Lot" means a parcel of land for the purposes of a Burial or Interment in the Cemetery. One Lot may have one casket burial and up to 3 urn interments, or, if no casket is buried, 4 urn interments. A Lot will normally be 5 feet by 10 feet.
14. "Marker" means a flat structure of granite, marble, concrete, metallic materials, bronze or other material approved by the Village of Donalda for memorial purposes placed on any Grave level with the base.
15. "Monument or Monuments" means pillow or upright structure including a Base or memorial of bronze, granite, marble, metallic materials, or other material approved by the Village of Donalda for memorial purposes which projects above the surrounding ground.
16. "Outer Burial Receptacle" means a container commonly referred to as a Burial Vault, Grave Liner, or Grave Box, placed in the grave to house the casket and is capable of withstanding the weight and pressure of the earth above and surrounding the receptacle. Only concrete Outer Burial Receptacles are permitted.
17. "Owner" means the person or persons responsible who purchased a Lot or Lots in the Cemetery. If a Lot Owner dies, the ownership of the Lot passes to their heirs, next of kin, or responsible persons who are deemed to be or claim to be responsible for the upkeep of a Lot, Lot and Marker, Monument in the Cemetery.
18. "Perpetual Care" means the preservation and maintenance of the Cemetery and grounds perpetuity.
19. "Perpetual Care Fund" means all funds received by the Village of Donalda from the Perpetual Care Fee for the purpose of providing perpetual care and named the Donalda Cemetery Perpetual Care Fund.
20. "Plan" means a group of Blocks as shown on the map of the Cemetery in record in the Village Office.
21. "Regular Working Hours/Day" means 9:00 am to 4:00 pm Monday and Tuesday, not including holidays observed by the Village of Donalda.
22. "Resident" means a person who has resided within the Village of Donalda immediately preceding his or her death or his or her application to purchase a Lot.
23. "Short Notice Burial" means an application for Interment which was not received by the Village of Donalda within the notification period as per Section F.2.c. of the Bylaw.
24. "Village" means the Village of Donalda, in the Province of Alberta.
25. "Village's Chief Administrative Officer (CAO)" means the person duly appointed by the Council as the Village's Chief Administrative Officer (CAO) of the Village of Donalda and shall include any persons designated by the Village's Chief Administrative Officer (CAO) to carry out his or her duties.
26. "Woody Ornamental" means any trees, shrubs, creepers, and climbers. The Planting of Woody Ornaments is not permitted without prior written approval from the Village of Donalda.

C. Regulations:

1. No person shall further subdivide or alter a Lot, Block, or Plan in any manner at variance with the subdivision plans on record in the Village Office except by special written permission by the Village Council.

2. The Village has the sole management of the affairs of the Cemetery and this Bylaw may be amended from time to time by the Council. The Village's CAO or his/her designate shall have charge and be responsible for the care and maintenance of the Cemetery, according to the provisions of this Bylaw and amendments thereto.
3. The Village shall have Lots available for the Burial of human remains at all times.
4. The Lots, Blocks, and Plans in any section of the Cemetery shall be laid out in accordance with generally accepted Cemetery practices.
5. Cemetery Grave Decorations

The Village of Donaldda realizes the sensitivity that cemetery Grave Decorations may create. However, maintenance, care, and long-term enjoyment of the Cemetery is held to high standards to satisfy the needs of relatives and visitors to the Cemetery. As such the safety of the public and the Village of Donaldda staff is held in high priority. Many Grave Decorations can be safety hazards to employees using maintenance equipment such as weed whips and lawnmowers, and to bystanders in the Cemetery.

 - a) On a regular basis throughout the year staff shall inspect and remove from Lots in the Cemetery all non-permitted plantings, shrubs, and Grave Decorations.
 - b) Grave Decorations placed at the Cemetery shall conform to the following guidelines:
 - i) Memorials such as candles, statues, decorative flags, stuffed animals, balloons, vases, tin cans, buckets, solar lights, or any other materials that are permanently attached to the monument or marker are permitted. However, such memorials shall be removed by Cemetery personnel without notice if not permanently attached to the Monument or Marker. Attachments to the Base must be approved by the Village of Donaldda.
 - ii) Artificial flowers, including the holder are only permitted if permanently contained within the Monument or Marker. Artificial flowers, including the holder not permanently contained within the Monument shall be disposed of without notice. Attachments to the Base must be approved by the Village of Donaldda.
 - iii) Fresh cut flowers are permitted on Graves. However, they will be removed by Cemetery staff without notice if they become unsightly, wilted, or wind strewn.
 - iv) No flowers or Grave decorations shall be removed 5 days prior to or after Mother's Day, Father's Day, Easter, Labour Day, Thanksgiving, Remembrance Day, and Christmas Day.
 - v) Glass Grave Decorations of any kind will not be permitted and will be removed by Cemetery personnel without notice.
 - vi) Plantings of any kind are not permitted on Graves and will be removed without notice.
 - vii) The village shall not be held liable for lost, misplaced, removed, or broken Grave Decorations or for damage caused by the elements, thieves, vandals, or by causes reasonably beyond its control. The Village reserves the right to regulate the method of decorating Lots and the right to remove any Grave Decoration without notice so that a uniform beauty of the Cemetery may be maintained.
6. The Village shall have the right to remove fences, borders, railings, walls, hedges, copings, and other enclosures now in existence as it may deem advisable after thirty (30) days notice of its intention to do so has been given to one of the following:
 - a. To the last known address of the Owner of the Lot;
 - b. To the Lot Owner's relatives if the owner is deceased;
 - c. Published in a newspaper circulated in the Village if the relatives are unknown.
7. Whenever the Owner of a Monument or Marker neglects to make the required repairs or alterations within thirty (30) days after receiving notice from the Village to do so, the Village shall have the power to repair such Monument or Marker and charge the cost thereof to the Owner.
8. No person shall disturb the quiet or good order of the Cemetery by noise, improper conduct, or otherwise and the Village shall have the right to deny access or remove from the Cemetery any person who contravenes this section.

9. Employees of the Village are not permitted to do any work for Lot Owners except upon order by the Village's CAO.
10. No person shall turn loose, allow to go at large or feed any animals in the Cemetery.
11. Vehicles in the Cemetery shall travel only on the roadways provided for the purpose and shall not travel at speeds greater than 5 km per hour.
12. No person shall pick flowers, break or injure any tree, shrub, or plant, or write upon, destroy, deface or damage and memorial, fence or structure within the Cemetery grounds.
13. No person shall plant any Woody Ornaments or Flowering Ornaments on the Lots. However, if a person wishes to provide a plant for the Cemetery, arrangements with the Village can be made for planting in an appropriate location.

D. Lots:

1. The Plans or Subdivision of the lands made available by the Village for Burial purposes now on record in the Village office, together with all subsequent Plans of Subdivision of such lands approved by the Council of the Village, shall be the Plans of the Cemetery herein referred to and all Interments shall be made and records be kept by the Village's CAO in accordance with such Plans. Copies of all such Plans shall be available for inspection free of charge at the Village Office during Regular Working Hours.
2. The Village's CAO and/or Assistant CAO shall supervise all sales of Lots and Interments in the Cemetery.
3. The Village shall, upon payment by any person to the Village of the full price of any Lot, furnish such person with a receipt for the sum paid and a transfer of such Lot to such person or to such other person as such person may appoint by the issuance of a Deed.
4. The Village shall sell Lots in the Cemetery upon the purchaser paying in advance the amounts set out in Schedule "A" which is attached to and forms part of this Bylaw.
5. In the case where a Lot is inadvertently sold twice, the first sale notification received by the Village shall be considered valid.
6. Lots shall not be resold to any other party; however, Lots may be transferred from one family member to another family member but no transfer shall be valid unless such transfer is duly registered with the Village.
7. Notwithstanding Sub-section 5 of this Section, the owner of an unoccupied Lot may return it to the Village and shall be entitled to a refund of 85% of the current fee of the Lot, as per Schedule "A", including the Perpetual Care Fee at the date of return.
8. All persons who purchase Lots or have Lots transferred to them are responsible for all charges in connection therewith.

E. Perpetual Care:

1. A Perpetual Care Fee will be added to the purchase price of all Burial and Cremation Lots.
2. The Cemetery Perpetual Care Fund shall be established for the future care of the Cemetery.
3. Perpetual Care to be supplied by the Village shall not include the care, maintenance, upkeep, repair, or replacement of any Monument or Markers which has been placed in the Cemetery.
4. Tax deductible donations will be accepted and held in the Donalda Cemetery Perpetual Care Fund.
5. When Lots are sold back to the Village, the perpetual care fee shall be refunded in accordance with Section D(7).

F. Interments:

1. No Interment or Burial shall be made in the Cemetery until the provisions of the Public Health Act and Vital Statistics Act of the Province of Alberta have been complied with, and with any regulations issued thereunder.

2. No Interments shall be permitted in the Cemetery unless a proper Burial Permit is produced by the party applying for the Burial. All applicants for Burial/Interment shall be made to the Village Office during Regular Office Hours.
 - a. Interments and Burials are permitted between May and October inclusive. Interments and Burials are prohibited between November and April.
 - b. All applications for Burial or Interment shall be made at least 16 Regular Working Hours (2 full Regular Workdays) before the Interment. An application made beyond Regular Working Hours shall be deemed to be made/received by staff at the Village Office at the beginning of the following Regular Working Day.
 - c. An application for Burial/Interment which does not comply with the appropriate notice above is considered a Short Notice Burial Application. The Village reserves the right to refuse a Short Notice Burial Application should the Village determine it is unable to perform the required Interment preparations in the requested time frame. Provided the Village can perform the necessary Interment preparations with the short notice period, the application will be accepted, however, and additional Short Notice Burial Extra Fee and/or Overtime will be charged as per Schedule "A" which is attached to and forms a part of this Bylaw.
3. All orders for Interment in the Cemetery shall be signed by the Owner of the Lot in which such Interment is to be made, or the local representatives of such Owner, except in the case of the Funeral Homes who have entered into an agreement with the Village whereby the said Funeral Home agree to be responsible for all Interments ordered by telephone, fax, or otherwise. No Interment shall be permitted until the forms provided by the Village have been completed and given to the Village's CAO or designate and full payment has been received.
4. In the case of Casket Burial, the funeral director shall be responsible for the arrangements of opening and closing the Lot, the supply and operation of lowering devices, and the supply and placements of mats, wreaths, flowers, etc. around the Lot.
5. In the case of an urn Interment, the Village of Donalda shall be responsible for the arrangements of opening and closing the Lot and the placement of mats around the Lot.
6. Interment shall be made only between the hours of 8:00 am and 6:00 pm. Opening and Closing fees for services are set forth in Schedule "A" which is attached to and forms a part of this Bylaw.
7. No Casket Grave shall be less than six (6) feet in depth from the surface of the surrounding ground. No Grave for the Burial of cremated remains shall be less than eighteen (18) inches in depth from the surface of the surrounding ground.
8. Outer Burial Receptacles, as per Section B(16), for coffins or caskets shall be used for all Burials.
9. Before an Interment is made in any Grave, an application in writing shall be made to the Village and all fees and services as set forth in Schedule "A" which is attached to and forms part of this Bylaw shall be paid by the applicant.
10. A charge for overtime will be payable by the applicant for any Burials requiring Village employees to remain after Regular Working Hours as set forth in Schedule "A" which is attached to and forms part of this Bylaw.
11. The Village of Donalda must be notified if Cremated remains of another person may be in the casket at the same time that Interment takes place.
12. Cremated remains, to a total of four may be interred in a Lot. Where a casket is placed, a maximum of three urns may be placed. The Village shall furnish Lots in the Cemetery, without charge, for the bodies of indigent persons or for unclaimed bodies of deceased persons in accordance with Provincial Legislation.
13. All locations of Interment shall be determined at the time of Burial as per the next available Lot. An additional three (3) Lots may be purchased and reserved at this time.
14. Graves for the purpose of Interments shall be opened and closed only by persons employed by the Village of Donalda or by a Funeral Home representative.
15. The Funeral Home shall be responsible for lowering the casket and the placement and removal of "greens". The Funeral Home representative shall be present until the Outer Burial receptacle is closed.
16. Whenever a Lot is held by two or more persons, an order for Interment in such Lot or any part thereof will be accepted by the Village from any one of the said persons or their personal representative.

17. No person shall accept any fee or reward for the Interment of any body in a Lot of which such person is the Owner, or over which he /she exercises any power of control.
18. No Lots shall be used for any purpose other than Burial grounds for human bodies, and the cremated remains of human bodies.

G. Disinterment

1. A written order from the Owner of the Lot and a Permit for the disinterment or removal of a body from the Provincial Medical Health Officer must be provided and approved by the Village of Donalda prior to disinterring a body.
2. The Owner of the Lot, Permit Holder or Provincial Medical Officer requesting the disinterment, shall be responsible for cost of the disinterment process including post Lot cleanup, to be done by a qualified company or person(s) only during Regular Work Hours, to the satisfaction of the Village of Donalda.

H. Care of Lots, Monuments, and Markers:

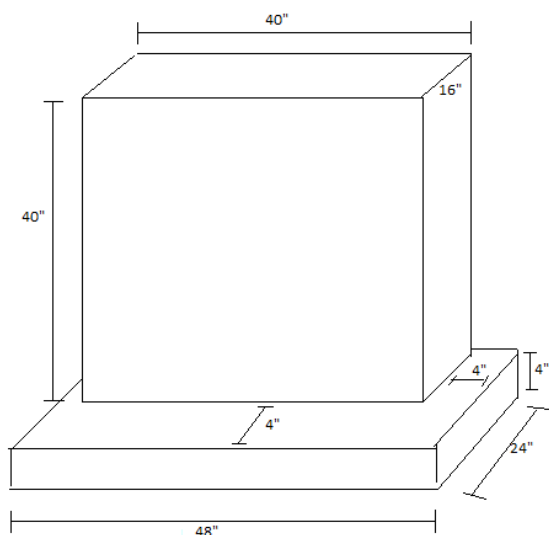
1. To obtain the best landscape effects, it is essential that the Village oversee the general care of the entire cemetery. The Owner(s) of Lots shall observe all rules and regulations passed from time to time by the Village for keeping Lots in order.
2. No person shall be permitted to perform any work on any Lot except with the written consent of the Village. The Village will mark the dimensions of the Lot. All levelling, seeding of grass and sodding work shall be done by the Village or a representative appointed by the Donalda Cemetery Club.
3. Fences, railings, walls, enclosures, copings, hedges, woody ornamentals, flowering ornamentals, in or around the Lots are prohibited. Coverings or slabs placed over any Lots are prohibited.
4. The Donalda Cemetery Club shall, from time to time, report to the Village of Donalda the condition of any Monument or Marker which is in disrepair/uneven and it shall be the duty of the Owner of such Monument or Marker to repair the same, without delay to the satisfaction of the Village. The Village of Donalda shall contact the Owner.
5. Whenever any Owner of a Monument or Marker neglects to make the required repairs or allegations, after being given due notice by the Village. The Village shall allow a period of thirty (30) days to elapse after which time, it shall have power to repair or remove such Monument or Marker and charge the cost thereof to the Owner which may be recovered as a debt from the Owner to the Village.

I. Installation/Repair or Replacement of Monuments & Markers:

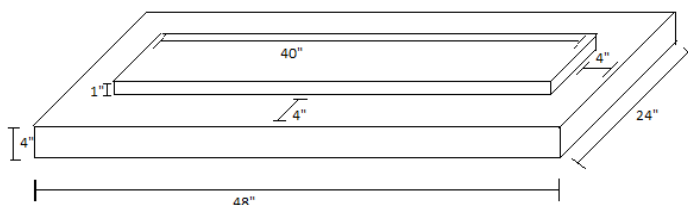
1. All persons employed in the construction, erection and maintenance of monuments or markers, whether employed by the Village or not, shall be subject to the direction and control of the Village.
2. All firms or individuals wishing to place a new Monument or Marker or repair/replace a Monument or Marker must first obtain a permit from the Village of Donalda. A Monument Permit must be completed and returned to the Village Office before any work is undertaken. The Monument Permit is Schedule "B" attached to and forming part of this Bylaw. All persons erecting, repair or replacing Monuments or Markers shall ensure that the surrounding areas are left in the same condition as found. It is understood that payment on the Monument Permit Fee shall be in lieu of the Business License required by the Village.
3. No Monuments or Markers shall be erected, repaired, or replaced on Saturdays, Sundays, or Holidays unless permission in writing has been granted by the Village of Donalda.
4. The foundation shall be provided by the Owner which allows for the installation of a Monument or Marker. The foundation is to be level, flush with the ground and made of concrete or any other material approved by the Village of Donalda. The foundation shall be at least four (4) inches in depth. The foundation shall extend not less than four (4) inches in any direction from the base of the upright monument or flat marker. The

dimension of the foundation for a marker shall be 24"X48" for a single Lot, and 24"X96" for a double Lot, and 18"X24" for a Secondary Marker.

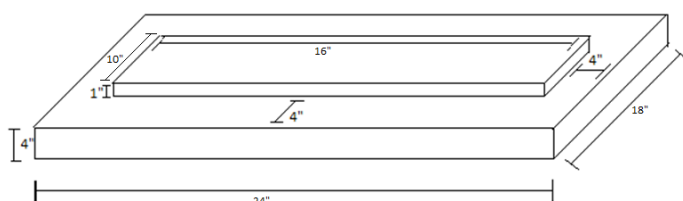
5. Upright Monuments shall not exceed forty (40) inches in height, forty (40) inches in length, and sixteen (16) inches in depth. Flat Markers shall not exceed one (1) inch in height, forty (40) inches in length, and sixteen (16) inches in depth.
6. Secondary or Foot Markers are required to identify urn Interment remains if not otherwise identified on the primary upright marker. This secondary marker shall not exceed ten (10) inches by sixteen (16) inches. The marker is to be flush with the ground and made of concrete or any other material approved by the Village of Donaldda.



Maximum Upright Monument Dimensions



Maximum Flat Marker Dimensions



Maximum Secondary Marker Dimensions

7. The base of all Monuments or Markers should be firmly secured to the foundation. The foundation must be adequate to carry the weight of the Monument or Marker. All foundations for Monuments or Markers shall be confined within the boundaries of the respective Lots. All Monuments and Markers shall be placed on solid ground and shall be in line with other Monuments or Markers in that section on the Cemetery.
8. No Monuments or Markers shall be placed, replaced, or repaired from November 1st to April 30th inclusive.
9. All work of any description shall cease while a Funeral or Interment is being conducted nearby. All trucks, equipment, and workers shall withdraw from view from the location of the Funeral Service.
10. The Village may refuse the placement of any Monument or Marker which may otherwise conform to the Regulations of this Bylaw but is not in keeping with the general appearance of the Cemetery.
11. Any Monument or Marker not conforming to the Bylaw specifications shall be removed by the Village following a thirty (30) day notification to the Owner and/or installation company and will be held for sixty (60) days by the Village.
12. The Village shall not be liable for damages resulting from the theft, vandalism, or damage, whatsoever caused to Monuments or Markers erected upon a Lot. The Village will not be responsible for any errors resulting in Monuments or Markers being designed, or the description on the face being inaccurate.
13. At the time of purchase of a Monument or Marker provision should be considered to record any additional future Interments on the same Monument or Marker. Refer to Sections F(11) to F(13) inclusive.

J. Penalty:

1. Any person who destroys, damages, defaces, or writes upon any Monument or Marker or other structure or object in the Cemetery in contravention of Section C Regulations, of this Bylaw shall be guilty of an offense, and liable upon summary conviction to a fine of not less than five hundred dollars (\$500.00) and to a total of not more than two thousand, five hundred dollars (\$2,500.00) plus all costs of restoration and in default of payment to imprisonment for a period not exceeding six (6) months.

2. Any person who commits a breach of any of the other provisions of this Bylaw shall on conviction for such breach, be liable to a penalty of not less than one hundred dollars (\$100.00) and not exceeding two thousand dollars (\$2,000.00) exclusive of costs, or in the case of non-payment of the line and costs imposed, to imprisonment for any period not exceeding sixty (60) days.
3. The Village will pay a reward of one hundred dollars (\$100.00) to any person for information that will lead to the conviction of any person committing a breach of this Bylaw.

K. Provisions for Rules and Regulations:

1. The Village's CAO may make interpretations of rules and regulations, not inconsistent with this Bylaw for the effectual carrying out of this Bylaw and for the efficient management, control, and regulations of the Cemetery.

L. Severability:

1. Should any section or part of this Bylaw be found to have been improperly enacted or ultra vires, for any reason, 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 as if the section found to be improperly enacted had not been enacted as part of this Bylaw.

Bylaw 731-20 is hereby repealed.

This Bylaw #761-23 Cemetery Bylaw shall come into force and effective upon third and final reading.

Bylaw #761-23 was given first reading and passed in open council duly assembled in the Village of Donalda, in the Province of Alberta, this 20th day of June 2023.

Bylaw #761-23 was given second reading and passed in open council duly assembled in the Village of Donalda, in the Province of Alberta, this 20th day of June 2023.

Unanimous consent for third and final reading was given this 20th day of June 2023.

Bylaw #761-23 was given third and final reading and passed in open council duly assembled in the Village of Donalda, in the Province of Alberta, this 20th day of June 2023.

MAYOR

CHIEF ADMINISTRATIVE OFFICER

Bylaw 761-23
 Schedule "A"
 Cemetery Fees

Description	Fee
Cemetery Lot - Residents Past/Present & Family Ties to Donalda	\$100.00
Cemetery Lots - Nonresident with no ties to Donalda	\$300.00
Urn Internment Fee	\$250.00
Short Notice Burial Fee	\$100.00 PLUS \$40.00 per overtime hour of each staff * Minimum two (2) hours overtime charged
Perpetual Care Fee	\$200.00
Snow Removal for Out of Season Burials	\$500.00
Monument Deposit Fee	\$300.00