

Village of Clive
BY-LAW #516 - 17

CEMETERY BY-LAW

Being a By-law of the Village of Clive, in the Province of Alberta, pursuant to the provisions of the **Cemeteries Act** to provide for the control and regulation of the Clive Cemetery.

NOW THEREFORE, the Municipal Council of the Village of Clive enacts as follows:

1. DEFINITIONS:

1.1 In this By-law, unless the context otherwise requires:

Cemetery means the Clive Cemetery which is owned and operated by and under the control of the Village.

Chief Administrative Officer means the Chief Administrative Officer of the Village of Clive

Columbarium means a monument designed for storing the ashes of dead human bodies or other human remains that have been cremated

Flowering Ornamental means any perennial, annual or bi-annual flowering plant.

Grave means a place of burial.

Grave Cover means any covering other than earth and grass that covers the grave opening.

Liner means a concrete or polypropylene burial container commonly referred to as a burial vault, grave liner or grave box placed in a grave, designed and built to support the weight of the earth and standard cemetery maintenance equipment and to prevent the grave from collapsing.

Monument means any structure in the cemetery erected or constructed on any grave or plot for memorial purposes.

Plot means a grave lot, the portion of land in the cemetery that is sold for one or more graves.

Village means the Village of Clive.

Woody Ornamental means any trees, shrubs, creepers and climbers.

Working Hours means regular hours of work (8:30 am to 4:30 pm) Monday through Thursday and (8:30 am to 3:30 pm) on Fridays, excluding declared or statutory holidays.

2. DUTIES, RIGHTS & POWERS OF THE CHIEF ADMINISTRATIVE OFFICER:

- 2.1 The Chief Administrative Officer may grant to anyone all powers of the By-law.
- 2.2 The Chief Administrative Officer shall have charge of the cemetery and shall exercise control over all personnel employed therein.
- 2.3 It shall be the duty of the Chief Administrative Officer to have plots available for the burial of human remains at all times.
- 2.4 The Chief Administrative Officer shall maintain the records and register of the cemetery in accordance with the Cemeteries Act.

3. PLOTS:

- 3.1 The plan of 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 of Clive, shall be the plans of the cemetery herein referred to and all interment shall be made and records kept by the Chief Administrative Officer in accordance with such plans. Such plans shall be available for inspection at the Village Office during normal office hours.

All individual plots hereafter surveyed, shall have dimensions of 1.2 metres (4ft) x 3.6 metres (12ft).
- 3.2 The Chief Administrative Officer shall supervise all sales of plots and interments sales in the cemetery and shall receive all monies therefrom.
- 3.3 The Chief Administrative Officer shall upon payment by any person to the Chief Administrative Officer of the full price of any plot, furnish such person with a document showing the name of the purchaser, the date of the purchase, the receipt for the amount paid, the plot location and the number of grave spaces in it.
- 3.4 Plots in the cemetery shall be sold by the Village upon the purchaser paying in advance the amounts established by Council and set out in the Village of Clive's Master Rates & Fees Bylaw #515 – 17, as amended.
- 3.5 Plots shall not be resold to any other party, however plots may be transferred to another immediate family member, but no transfer shall be valid unless such transfer is duly registered in writing with the Chief Administrative Officer of the Village.
- 3.6 Notwithstanding 3.5 of this section, the owner of a plot(s) may transfer same back to the Village and shall be entitled to 85% of the plot price at the date of resale.
- 3.7 Whenever a plot is held by two or more persons, an order for interment in such a plot or any part thereof will be accepted by the Chief Administrative Officer from any one of the plot owners, their personal representative or their next of kin.
- 3.8 No person shall accept any fee or reward for interment of any body in a plot of which such person is the owner, or over which he exercises any power or control.
- 3.9 Plots shall not be used for any purpose other than burial grounds for human bodies and the cremated remains of human bodies.

4. BURIALS:

- 4.1 All burials within the limits of the cemetery shall be under the supervision and control of the Chief Administrative Officer.
 - a). Graves shall be dug and interments made only by persons approved and

supervised by the Chief Administrative Officer and under direction of the Village Foreman.

- b). No person or persons not under control or supervision of the Chief Administrative Officer shall open any grave for the purpose of interring or removing a body.
 - c). No person shall open any grave for the purpose of interring a body unless prior approval has been received by the Chief Administrative Officer.
 - d). No burial shall be permitted in the cemetery without a proper burial permit.
- 4.2 The Chief Administrative Officer shall furnish graves in the cemetery without charge for destitute or indigent persons or an unclaimed body.
- 4.3 Liners are required for all burials, except cremated remains.
- a). The cost of liners or vaults shall be the responsibility of the next of kin.
 - i). The Village of Clive shall not accept responsibility for the installation of either a liner or vault, or the costs incurred for such liner.
- 4.4 A maximum of four human remains may be interred in each plot.
- a) Only one casket containing human remains may be allowed in any one plot. Graves shall be dug such that the depth between the top of the casket and the ground surface level is at least 0.6 metres (2ft.).
 - b) A maximum of three cremated remains may be interred in each plot.
 - i. Burial of cremated remains may be placed in any grave already occupied provided that the depth between the top of the urn and the ground surface is at least 0.45 metres (18 inches).
 - ii. Any grave for the burial of cremated remains shall be at a depth of not less than 0.45 metres (18 inches) from the surface of the ground surrounding the grave.
 - iii. Cremated remains placed in a Columbarium may be above ground provided they are sealed to prevent vandalism and protect the cremated remains inside.
- 4.5 The cost of opening and closing any grave shall be the responsibility of the next of kin or whoever is responsible for the interment.
- 4.6 The site preparation fee for cremations shall be the responsibility of the next of kin and is established by Council and set out in the Village of Clive's Master Rates & Fees Bylaw #515 – 17, as amended.
- 4.7 Disinterment of a body shall not take place until a permit for disinterment is issued by the Provincial Director of Vital Statistics and delivered to the Chief Administrative Officer.
- 4.8 All work of any description shall cease while an Interment is being conducted nearby. All trucks, equipment and workmen shall withdraw from view from the location of the Interment Service.

5. MONUMENTS:

- 5.1 All persons employed in the construction and erection of monuments or doing other work in the cemetery shall be subject to the direction of the Municipal Administrator.
- 5.2 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 Clive. A Monument Permit must be completed and returned to the Village Office before any work is undertaken. The Monument Permit is Schedule "A" attached to and forming part of this Bylaw.

The Cemetery Monument Permit fee is established by Council and set out in the Village of Clive's Master Rates & Fees Bylaw #515 – 17, as amended.

- 5.3 The placement of monuments must comply with the following requirements:
- a. A concrete base extending 0.15 metres (6 inches) on each side of the monument not less than 0.15 meters (6 inches) in depth and being at the level of the grounds adjoining the grave plot.
 - b. The monument must be placed on the portion of the plot undisturbed by excavation and must be in line with other monuments in that section of the cemetery.
 - c. Monuments shall be constructed of stone, such type of stone having a high resistance to weathering and erosion or any other material approved by the Village of Clive. Monuments may not be constructed in concrete.
 - d. The inscription on the monument shall be of sufficient depth and quality so as to be legible for a great length of time. Metal plates which oxidate and deteriorate will not be permitted.
 - e. Upright monuments will be allowed in all portions of the cemetery.
 - i. Upright monuments must not exceed the following dimensions:

1.	Height	1.0 metres (40 inches)
2.	Depth	0.51 metres (20 inches)
3.	Length	1.8 metres (72 inches)
 - f. Each monument shall be in keeping with the appearance of other monuments in the section and with the characteristics of the cemetery.
 - g. The Chief Administrative Officer may refuse the placement of any monument which may otherwise conform with these regulations should it be determined that the proposed monument is not appropriate for placement in the Clive Cemetery.
- 5.4 All grave sites shall have a monument or permanent marker in place within two (2) years from the time of interment.
- 5.5 No monuments shall be erected on Saturdays, Sundays or holidays unless prior permission has been received from the Chief Administrative Officer.
- 5.6 No monuments shall be erected from November 1 of any year until the end of April following.
- 5.7 All foundations for erecting of monuments shall be level, be flush with the ground and be made of concrete. All persons erecting monuments shall insure that such monuments are firmly secured to the foundation and that the foundation is adequate to carry the monument.
- 5.8 All persons erecting monuments shall insure that the surrounding areas are left in the same condition as found.
- 5.9 Stone, marble or fiberglass covers over graves are prohibited except where one presently exists.
- 5.10 The Village shall not be liable for damages resulting from theft, vandalism or damage howsoever caused to Monuments, or Markers erected upon a Plot.
- 5.11 The Village will not be responsible for any errors resulting in Monuments or Markers being designed, or the description on the face being inaccurate.

6. VEHICLES IN THE CEMETERY:

- 6.1 No vehicles shall be permitted beyond the cemetery gate except during a burial

or for the purpose of carrying out monument installation, or for repair or maintenance.

- 6.2 No person shall drive a vehicle through the cemetery at a speed greater than 15 kilometers per hour.
- 6.3 The Chief Administrative Officer may prohibit the driving of vehicles in any part of the cemetery.
- 6.4 The Chief Administrative Officer may prohibit the driving of any vehicle in the cemetery when the roads are in an unfit condition.
- 6.5 The owner of any moving vehicle shall be responsible for any damage done by such vehicle while it is within the boundaries of the cemetery.
- 6.6 No bicycle, motorcycle or horse shall be allowed in the cemetery except when it is part of a funeral procession and prior authorization has been received from the Chief Administrative Officer.

7.

MAINTENANCE:

The maintenance and care of the cemetery grounds, including interment space, structures and markers, shall be done so as to ensure the safety of the public and preserve the dignity of the cemetery.

- 7.1 On a regular basis throughout the year Village personnel shall inspect and remove from the cemetery all non-permitted plantings, shrubs and grave decorations.
- 7.2 Grave decorations such as vases, solar lights or any other materials that are permanently attached to the monument or marker are permitted. Artificial flowers that are permanently contained are also permitted. All unattached grave decorations and loose artificial flowers will be removed by Village personnel without notice.
- 7.3 Glass decorations of any kind are not permitted and will be removed without notice.
- 7.4 Cut fresh flowers are permitted on graves, however they will be removed by Village personnel if they become unsightly, wilted or wind strewn.
- 7.5 No flowers or grave decorations shall be removed five (5) days prior to or after Mother's Day, Father's Day, Easter, Labor Day, Thanksgiving, Remembrance Day and Christmas Day.
- 7.6 Flowering ornamental plants may be planted on plots provided they are maintained by the next of kin. Any plants not maintained by the next of kin may be removed by Village personnel.
- 7.7 If, in the opinion of the Chief Administrative Officer, any existing woody ornamental situated on or about the cemetery shall become by means of their roots, branches or in any other way detrimental to adjacent plots, walks or driveways, prejudicial to the general appearance to the grounds or dangerous or inconvenient to the public, the Chief Administrative Officer shall have the right to remove such woody ornamentals or any parts thereof.
- 7.8 Unless permission has been obtained from the Chief Administrative Officer, no person shall remove, destroy, prune or otherwise interfere with any woody ornamental in the cemetery.
- 7.9 All woody ornamentals shall be planted only by employees of the Village under direction of the Chief Administrative Officer.
- 7.10 No type of grave covers, fences, borders, railings, walls, copings and other enclosures shall be permitted to be installed except for matching purposes

(where there is already one in place for a husband or wife, upon written permission from the Chief Administrative Officer).

- 7.11 The Chief Administrative Officer shall have the right to remove or order repair of any grave cover that is unsightly, sunken or cracked, or dangerous which is now in existence as the Chief Administrative Officer may deem advisable after thirty (30) days notice to the owners, personal representative or relatives of the plot on register.
- a). No type of grave covers, fences, borders, railings, walls, copings and other enclosures shall be replaced if the original is removed.
- 7.12 No person shall remove the sod in graves or from any portion of any plot in the cemetery without first obtaining written permission from the Chief Administrative Officer.
- 7.13 The tops of plots or graves shall be kept level with the surrounding ground.

8. GENERAL:

- 8.1 No person shall disturb the quiet or good order of the cemetery by improper noise, conduct or otherwise.
- a). A Lacombe County Peace Officer, a member of the R.C.M.P., or other authorized person from time to time in charge of the cemetery, may evict therefrom, using such force as is reasonably necessary, or deny entrance to any person who contravenes paragraph "2.9" hereof.
- 8.2 Sufficient notice must be given to the Chief Administrative Officer prior to conducting a memorial or interment service at the cemetery so that the cemetery grounds can be prepared for such service.
- 8.3 No person shall destroy, damage, deface or write upon any monument, or other structure or object in the cemetery.
- 8.4 No person shall deposit any paper, sticks or refuse of any kind on any portion of the lands within the boundaries of the cemetery.
- 8.5 Benches of a style approved by the Chief Administrative Officer may be permitted in the cemetery under such conditions as the Chief Administrative Officer may order.
- 8.6 No animal shall be allowed in the cemetery unless such animal is on a leash and is accompanied by an adult person.
- 8.7 No employee of the Village shall accept a bribe or gratuity for services rendered or to be rendered in the cemetery.

9. PROVISIONS FOR RULES AND REGULATIONS:

- 9.1 The Chief Administrative Officer may make rules and regulations not inconsistent with this By-law and for the efficient management, control and regulation of the cemetery.
- 9.2 The Chief Administrative Officer shall determine the policy respecting the sale of plots and the location and extent of all plots offered for sale to the public.

10. PENALTY:

- 10.1 Any person who commits a breach of any provisions of this By-law shall on conviction for such breach, be liable to a penalty not exceeding five hundred (\$500.00) dollars exclusive of costs or in the case of non payment of the fine and cost imprisonment for any period not exceeding 120 days.
- 10.2 The Village will pay a reward of one hundred (\$100.00) dollars to any person for information that will lead to the conviction of any person committing a breach of this By-law.

11. SEVERABILITY:

11.1 Should any part of this By-law be found to have been improperly enacted for any reason, then such part shall be regarded as being severable from the rest of the By-law and the By-law 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 By-law.

12. REPEAL:

12.1 This By-law hereby repeals Cemetery Bylaw #466-05 and all amendments thereto.

This By-law shall take effect on the final passing thereof.

READ a first time this ____ day of March, 2017.

READ a second time this ____ day of April, 2017.

READ a third and final time this __ day of April, 2017.

Mayor

Chief Administrative Officer

SCHEDULE 'A'

Cemetery Monument Permit Application

Name of Applicant:

Telephone:

Date of Installation:

Name on Monument:

Plot Description: Plot Section Block

Monument material:

Monument Dimensions:

Diagram of Monument Placement: