

**TOWN OF CLARESHOLM
PROVINCE OF ALBERTA
BYLAW #1301**

A Bylaw of the Town of Claresholm to provide for and make provision for the improvement, maintenance, management, control and operation of the Claresholm cemetery.

WHEREAS, it is deemed expedient and proper pursuant to the provisions of the Cemetery Act to pass a Bylaw to provide for the control and regulation of the Claresholm Cemetery.

NOW, THEREFORE, THE COUNCIL OF THE TOWN OF CLARESHOLM ENACTS AS FOLLOWS:

I. TITLE

This Bylaw shall be cited as the Claresholm Cemetery Bylaw.

II. DEFINITION

In this Bylaw, unless the context otherwise requires, the interpretation set out in the following subsections shall be used.

- A. “Cemetery” shall mean the present cemetery of the Town of Claresholm and or any other cemetery it may hereafter establish and operate by and under the control of the Town of Claresholm.
- B. “Town” shall mean the Municipality of the Town of Claresholm.
- C. “Council” shall mean the Mayor and Council of the Town of Claresholm.
- D. “Secretary-Treasurer” shall mean the Secretary-Treasurer of the Town of Claresholm.
- E. “Infant” shall mean any person under the age of two (2) years.
- F. “Perpetual Care” means and includes seeding grave surfaces and reseeding when necessary and such cultivation as may be necessary in connection with cutting of grass and weeds and keeping graves in a neat condition and in good appearance and such other work as may be authorized by the Council.
- G. “Memorial Tablets or Pillow Monument” shall mean a rectangular, flat or neat flat section of marble, granite, bronze or other material used for memorial purposes not exceeding six (6) inches in height, with a maximum size of twenty-four (24) inches by eighteen (18) inches for single graves and a size of forty-eight (48) inches for double graves.
- H. “Concrete Base” shall mean a rectangular piece of support concrete for (4) inches in thickness with the top level with the surrounding ground and not less than 2,500 P.S.I. and the concrete base must project six (6) inches beyond the base of the Memorial Tablet.
- I. “Cremation” dig size shall not exceed twelve (12) inches by twelve (12) inches square and eighteen (18) inches deep.

III. SUPERVISION AND CONTROL

- A. The Mayor and Council shall have general supervision, charge and control of the management of the cemetery and the books, plans, records and documents relating to the cemetery shall be under the supervision, charge and control of the Secretary-Treasurer.

- B. The Secretary-Treasurer shall keep all plans of the cemetery and all records regarding sale of graves, persons buried in the cemetery and the date of such burials and such further records as may be required by the Province of Alberta and The Town of Claresholm.

IV. SPECIAL SECTION

- A. Council may designate special sections in the cemetery. The following areas are hereby designated by Council:

- | | |
|---------------------------|------------------------------|
| 1) Field of Honor Section | 4) Old Section |
| 2) Cremation Section | 5) Columbarium Section |
| 3) Indigent Section | 6) Scattering Garden Section |

- B. Notwithstanding the above, interment of any remains to which the above categories apply will not be limited to the above designated sections.

V. INDIGENT AND UNCLAIMED BODIES

Indigent burials shall be subject to the rules governing such burials as the time of interment as established by Provincial Regulations.

VI. PURCHASE OF GRAVE RIGHTS

- A. Cemetery grave rights may be purchased at the office of the Secretary-Treasurer upon application and payment thereof of the appropriate fees as set out in Schedule A, which is attached to forms part of this Bylaw and which may be amended from time to time by resolution of Council.
- B. All fees for grave rights shall be paid to the Secretary-Treasurer of the Town before any interment is permitted to be made and the Secretary-Treasurer shall upon payment grant a receipt which shall be the sole title granted to any person purchasing grave rights.
- C. The Secretary-Treasurer shall receive all monies from the sale of grave rights and shall account for all monies derived therefrom and shall enter all particulars of such sales on the cemetery records kept for such purposes and shall keep a record of the name or names of any person buried in any grave together with the date of any such burial.
- D. No purchaser or owner of the grave rights in the said cemetery shall sell, assign, or dispose of the grave rights or any part thereof without the consent in writing of the Council or Council representative to such sale, assignment or disposition in each event and upon filing with the Secretary-Treasurer or a transfer or assignment in writing.
- E. On the application of a purchaser of a grave right or his successor, the Town may redeem the grave right and cancel the certificate and refund to the applicant an amount equal to the price originally paid for the grave right.
- F. No lot in which a grave right has been heretofore sold or hereafter sold shall be used for any other purpose.
- G. No person shall be buried in any grave site unless he is the registered owner of the

grave rights or has received written consent from the owner or agent of the owner or unless where a grave site is held by two or more persons the surviving person or persons consent thereto in writing.

- H. No more than four (4) grave sites shall be sold to one person.
- I. No glass or breakable containers shall be permitted in the cemetery.

VII. BURIALS

- A. No person shall bury a human body within the limits of the Town of Claresholm except in the cemetery designated by this Bylaw and in accordance with the provisions of this Bylaw.
- B. No more than one body shall be buried in a single grave except the mother and her infant child when both are in the same casket or coffin.
- C. Notice for the preparation of a grave site must be given to the Town at least eight regular working days prior to the time set for the burial with Saturday, Sunday and Statutory or declared holidays not being classified as regular working hours.
- D. All graves shall be opened and closed by employees of the Town or under the direction of the Town.
- E. No interment of human remains shall take place unless the remains are placed within an enclosed concrete vault or concrete box acceptable to the Town of Claresholm standards.
- F. No burial shall be permitted in the said public cemetery on a Sunday except on special permit in writing from the Council which said permits shall not be granted unless the deceased has died of a contagious disease or unless there is a special emergency or circumstances which in the opinion of the Council justifies and necessitates such Sunday burial.
- G. No burial shall be permitted in the said cemetery unless there has been produced and shown to the Secretary-Treasurer the following documents:
 - 1. Burial permit issued by the proper official of the Province of Alberta or such other written authority as may be required from time to time under the law of the Province of Alberta.
 - 2. Receipts acknowledging payment of fees and charges or approval of credit.

VIII. CREMATION

- A. Cremated remains may be interred along with another deceased person in a single grave.
- B. In the cremation section of the cemetery only one cremation urn may be interred in a single grave site.

IX. DISINTERMENT

- A. No dead human bodies shall be disinterred or removed from the cemetery or any purpose unless a disinterment permit has been issued by the Director of Vital Statistics.

X. ERECTION OF MONUMENT AND MEMORIAL TABLETS

- A. Any person intending to erect a cement base, monument, memorial tablet or plaque or to make any alteration to any grave shall first obtain a permit from the Town of Claresholm. The permit shall be issued only after the Town is satisfied that the work to be completed complies with all necessary requirements of this Bylaw.
- B. Monuments, markers and memorial tablets must be placed in line at the head of the grave. Only one monument, memorial tablet or concrete base will be permitted per grave in any area of the cemetery.
- C. All memorial tablets, monuments and markers shall be placed on a concrete foundation which has been set on a six (6) inch gravel base and is flush with the surrounding ground. No tablet, monument or marker shall extend more than six inches (6) inches in height above the concrete foundation. The concrete base must project six (6) inches beyond the base of the tablet, monument or marker.
- D. All costs of construction, erection and installation of any base, memorial tablet, monument, marker, shall be the responsibility of the owner of the grave site. All earth, debris, litter and rubbish arising or resulting from work done on any grave site by or on behalf of the owner of the grave rights therein must be carefully cleaned up and removed from the cemetery by the said owner or his contractors or workmen.
- E. No fence, railing, coping or other enclosure or structure of any kind other than memorial tablets, monuments, markers or covers shall be erected or installed on any grave.
- F. No graves shall be raised above the level of the surrounding ground.

XI. GENERAL REGULATIONS

- A. No trees, plants, shrubs, flowers or any other thing intended for growth shall be planted, seeded, grown or maintained on any grave in the cemetery unless special permission for the same is first obtained from the Secretary-Treasurer and the Secretary-Treasurer may remove or prevent the placing of any stand, hole or vase or any other receptacle for flowers or plants which he deems to be unsuitable for such a purpose or unsightly in appearance. Notwithstanding this section, the Town of Claresholm may plant and maintain any natural vegetation which it deems necessary for the beautification of the cemetery.
- B. Under Council's authority, representatives of the Town shall have the right to remove fences, coping and other encumbrances and structures including monuments, pillows or flat markers hereto or hereafter erected by reason of neglect or age having become objectional in Council's opinion.
- C. No person shall injure any tree, shrub or plant growing in the said cemetery nor pick or destroy any flowers growing therein or mark upon, scratch or deface any memorial tablet, monument, marker, cross, fence, gate, building or structure within or around the said cemetery.
- D. No picnics or other parties or gatherings except for funerals or some ceremony or observance permitted by a Council shall be held or be allowed within the said cemetery and no person without the permission of the Town Council shall be or remain in the

said cemetery during the hours of darkness in any day.

- E. No animals shall be brought to in or permitted to be within the said cemetery except such pets as may be carried in a motor vehicle provided that they are not allowed out of the vehicle.
- F. No vehicle, carriage or conveyance shall travel within the cemetery:
 - 1) At a speed greater than 15 km/hr.
 - 2) Elsewhere than on driveways intended for and wide enough for vehicular traffic.
- G. No person shall at any time take or ride into the cemetery any motorcycle, snowmobile or other off highway vehicle as defined in the Highway Traffic Act.

XII. PENALTY

Any person or organization found guilty of any infraction or breach of any provisions of this Bylaw is guilty of an offence and liable on summary conviction to a fine not exceeding \$100.00 or imprisonment for a term not to exceed thirty (30) days.

XIII. EFFECTIVE DATE AND REPEAL OF EXISTING BYLAW

- A. This Bylaw shall come into effect on the date of final reading thereof.
- B. Bylaw #1279 and #1280 are hereby repealed.

READ a first time this day of 1998 A.D.

READ a second time this day of 1998 A.D.

READ a third time and finally passed this day of 1998 A.D.

Secretary-Treasurer, Larry Flexhaug

Mayor, E. R. Patterson

SCHEDULE A

CEMETERY RATES AND FEES

Any purchaser of a cemetery grave, cremation grave or infant grave must remit the fee for perpetual care at the time of the purchase of the grave.

I. COST OF CEMETERY GRAVE RIGHTS

a)	per grave site	\$150.00 + GST
b)	per grave site - infant	N/C
c)	per grave site - cremation	\$50.00 + GST

II. COST OF PERPETUAL CARE

a)	per grave site	\$100.00* + GST
b)	per grave site - infant	\$100.00* + GST
c)	per grave site - cremation	\$100.00* + GST

III. COST OF OPEN AND CLOSE

a)	per grave site	\$250.00** + GST
b)	per grave site - infant	N/C
c)	per grave site - cremation personal	\$ 25.00** + GST
d)	per grave site - cremation Town	\$ 75.00** + GST

* Grave, Infant and Cremation sites that were purchased prior to April 23, 1990, shall be charges the appropriate perpetual care rate at the time the grave site is utilized.

** On days other than regular working days there shall be an additional charge of \$50.00.