

Village of Mannville
Bylaw # 2012-779
Cemetery Bylaw

A Bylaw of the Village of Mannville respecting management and control of the Mannville Cemetery;

Whereas the *Municipal Government Act*, being Chapter M-26 of the Revised Statutes of Alberta, 2000, hereinafter referred to as the "M.G.A." provides for Council to pass bylaws, and

And Whereas the Village of Mannville, hereinafter call the Village, is the owner of the Cemetery situated on the in the Province of Alberta, known as Meridian 4, Range 8, Township 50, Section 29, all that portion of the South West Quarter described as follows:

Commencing at the North West Corner of the said quarter section; thence southerly along the west boundary thereof 1140 Feet; thence easterly and parallel with the North boundary of the said quarter section 330 feet; thence northerly and parallel with the said west boundary to a point on the said north boundary; thence westerly along the said north boundary to the point of commencement containing 3.499 Hectares (8.64 acres) more or less excepting thereout:

A) all the portion described as follows: Commencing at a point on the west boundary of the said quarter section 1140 feet southerly from the northwest corner thereof; thence northerly along the west boundary 150 feet; thence easterly and parallel to the north boundary of the said quarter section 330 feet thence southerly and parallel to the said west boundary 150 feet then westerly in a straight line to the point of commencement containing 1.14 acres more or less

B) all the portion described as follows: commencing at a point on the west boundary of the said quarter section 990 feet southerly from the north west corner thereof; thence northerly along the west boundary 150 feet; thence easterly and parallel to the north boundary of the said quarter section 330 feet thence southerly and parallel to the said west boundary 150 feet; then westerly in a straight line to the point of commencement containing 1.14 acres more or less. Excepting thereout all mines and minerals.

AND

Commencing at a point on the west boundary of the said quarter section 990 feet southerly from the northwest corner thereof; thence northerly along the west boundary 150 feet; thence easterly and parallel to the north boundary of the said quarter section 330 feet thence southerly and parallel to the said west boundary 150 feet; thence westerly in a straight line to the point of commencement containing 0.462 hectares (1.14 acres) more or less. Excepting thereout all mines and minerals.

And Whereas it is deemed necessary to provide and update regulations and controls for the operation of the Mannville Cemetery;

And Whereas this bylaw shall encompass all sections of the *Cemeteries Act*, R.S.A. 2000, c.C-3 and the General Regulations as amended or repealed or replaced from time to time.

Now Therefore the Council of the Village of Mannville, duly assembled enacts as follows:

Short Title

This bylaw may be cited as the "**Cemetery Bylaw**"

Village of Mannville
Bylaw # 2012-779
Cemetery Bylaw

Section 1 - Definitions

In this Bylaw:

- 1.0 *Approved Containers* – means container approved and provided by monument builder to be permanently attached to headstone.
- 1.1 *Ash Interment* – means the act of burying cremated remains. The act includes the digging of the grave, placement of the ashes and the backfilling of the grave.
- 1.2 *Bylaw Enforcement Officer* – means a Bylaw Enforcement Officer appointed by the Village pursuant to the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended or repealed and replaced from time to time, to enforce the Village’s bylaws, and includes a member of the Royal Canadian Mounted Police, a Peace Officer and when authorized by Council, a Special Constable.
- 1.3 *CAO* - means Chief Administrative Officer
- 1.4 *Cemetery* – means land that is set apart or used as a place for the burial of dead human bodies or other human remains or in which dead human bodies or other human remains are buried.
- 1.5 *Cemetery Supervisor* – means the Public Works Supervisor for the Village charged with the care and control of the Cemetery, or an employee of the Village to whom the Chief Administrative Officer delegates the responsibilities under this Bylaw or a Volunteer organization delegated the responsibilities for the care and control of the Cemetery.
- 1.6 *Concrete Foundation* – means a piece of rectangular concrete which is placed to support a monument.
- 1.7 *Council* – means the Council of the Village of Mannville;
- 1.8 *Disinter* – means to remove human remains from the gravesite
- 1.9 *Flowering Ornamental* – means any perennial, annual or bi-annual flowering plant
- 1.10 *Funeral Director* – means any registered or licensed embalmer or mortician;
- 1.11 *Grave* – a plot designated for burial of human remains and cremated remains.
- 1.12 *Grave Cover* – Grave covers are a structure of marble, granite, or similar material placed on the entire burial plot for memorial purposes and set level with the contour of the ground.
- 1.13 *Grave Decoration* – is anything that is placed on a grave for memorial purposes.
- 1.14 *Grave liner* – means a concrete or metal rough box placed in a grave to house a casket
- 1.15 *Lot* – means a group of graves without a walkway or roadway between them
- 1.16 *Monument* – means any structure in the Cemetery erected or constructed on any grave or plot for memorial purposes
- 1.17 *Ongoing Maintenance* – means a general term used to designate all the various types of work the Village does to ensure that the burial plots and the continuous foundations are kept in good repair and that the surrounding grounds are properly cared for. This does not include monument care.
- 1.18 *Open and Close* – means the digging of the grave, the placement of the rough box or vault, the backfilling of the grave, site clean up and placement of funeral decorations, and reestablishment of grass as soon as practicable afterwards. This also applies to the digging of a cremation grave by manual or mechanical means.

Village of Mannville
Bylaw # 2012-779
Cemetery Bylaw

- 1.19 *Owner* – means a person, heir, executor or authorized funeral director, with burial privileges for one or more plots.
- 1.20 *Person* – shall include an individual, partnership or corporation
- 1.21 *Plot* – means one grave
- 1.22 *Reserve Plot(s)* – shall mean a plot or number of plots which lie adjacent to one another and which are to be reserved for the burial of one or more deceased members of a family.
- 1.23 *Structure* – anything other than a monument marking the grave.
- 1.24 *Violation Tag* – means a tag or similar document issued by the Village pursuant to Section 7 of the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended and replaced from time to time.
- 1.25 *Violation Ticket* – means a ticket issued pursuant to Part 2 of the *Provincial Offenses Procedures Act*, R.S.A. 2000, c. P-34, as amended or repealed and replaced from time to time, and the regulations thereunder.
- 1.26 *Woody Ornamentals* – means any trees, shrubs and creeping or climbing plants
- 1.27 *Working Hours* – mean the regular hours of work between 8:30 a.m. and 4:30 p.m., Monday through Friday, excluding declared or Statutory Holidays.

Section 2: Duties, Rights and Powers

- 2.1 The Cemetery Supervisor shall have the sole control of all matters within the Cemetery that are concerned with maintaining the grounds in a neat and pleasing condition, in accordance with this bylaw, the Village's policies and the *Cemeteries Act*, R.S.A. 2000 c.C-3, as amended or repealed or replaced from time to time.
- 2.2 The Cemetery Supervisor is hereby authorized to remove, or have removed, any weeds, grass, funeral designs or floral pieces which may become wilted, or any grave decoration or any other article or thing which, in the opinion of the Cemetery Supervisor, is unsightly.
- 2.3 If, in the opinion of the Cemetery Supervisor, any woody ornamentals situated on or about the Cemetery, become, by means of their roots, branches, or any other way detrimental to adjacent plots, walks or driveways, prejudicial to the general appearance of the grounds, or dangerous or inconvenient to the public, the Cemetery Supervisor is authorized to remove such woody ornamentals, or any parts thereof.
- 2.4 No person shall erect upon a plot or lot any fence, railing, wall, border, hedge, coping or the like and where any of the same have been previously erected around a plot or grave and have, by reason of age or neglect, become unsightly or objectionable.
- 2.5 Every owner of a Monument or other erection upon any Plot shall maintain it in proper repair.
- 2.6 When, in the opinion of the Cemetery Supervisor, any structure located on all or part of a plot, other than a Monument or marker, is in a state of disrepair, the Cemetery Supervisor shall notify the owner or the owner's agent in writing, via registered mail, to the last address provided to the Village and require repairs be promptly undertaken. Any monument or structure not repaired within 90 days after a letter has been set to the owner or his personal representative, to the last known address provided to the Village, may be removed and retained in the custody of the Cemetery Supervisor for a period of 90 days to allow the person

Village of Mannville
Bylaw # 2012-779
Cemetery Bylaw

responsible for its maintenance to claim the monument and return it to an acceptable condition.

- 2.7 Any structure, for which a notice has been provided pursuant to section 2.6, at the end of the expiry period, Council may direct that the structure be retained for a further period of time, be disposed of by public auction or such other directions as Council deems appropriate.
- 2.8 The Cemetery Supervisor may remove any monument from a plot when necessary to gain access to another plot, provided that such monument is re-installed in a like manner.

Section 3: Plots

- 3.1 Plans for burial purposes, including a record of all interments and disinterment will be kept at the Village of Mannville office and at the Public Works Shop. Copies of all such plans shall be available for inspection free of charge at the Village Office during regular office hours.
- 3.2 A maximum of two (2) adjoining plots may be sold for reservation, except in the case of the death of dependant child/children, in which case two (2) additional plots may be reserved for future use.
- 3.3 No Person shall make a reservation for one or more plots without making payment in full at the time of the reservation. Upon payment of the full price of any plot, the Village shall provide a receipt for the said sum, and a cemetery deed for such plot to such person or to that person's personal representative, as such person may appoint.
- 3.4 The owner of any plot or plots shall not sell except to the Village in which case the offer must be in writing.
- 3.5 The owner of reserve plots may cancel his/her reservations by advising the Village in writing.
- 3.6 The Village will refund the market value of a plot(s) at the time of the sale or cancellation, less fifteen (15) percent for administration pursuant to the *Cemeteries Act*, R.S.A. 2000, c.C-3.
- 3.7 Plots may be transferred from one family member to another family member. No transfer shall be valid unless it is duly registered with the Village.
- 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 that person exercises any power of control.
- 3.9 When a plot is held by two (2) or more Persons, an order for interment in such plot or any part thereof will be accepted by the Village of Mannville from any one of the said Persons or their personal representative.
- 3.10 Plots shall not be used for any purpose other than burial grounds for human remains.
- 3.11 All burials are to be made within the confines of a single Plot. A full plot may only be used for:
 - (a) A single burial of a person, or
 - (b) the single burial of a person, but with the provision that up to five (5) ash interments may also occur, or
 - (c) cremation purposes only, for up to six (6) ash interments.
- 3.12 Ash interments must not impede future casket burial on same plot. Location to be determined by cemetery supervisor.

Village of Mannville
Bylaw # 2012-779
Cemetery Bylaw

- 3.13 No person other than a Village employee or person designated by the Chief Administrative Officer of the Village shall open or close a Plot or make a disinterment in the Cemetery.
- 3.14 Regardless of the specific wording of any sale agreement or other agreement between the Village and a purchaser of a Plot, it is a condition of every agreement relating to the sale or use of a Plot, that the parties to the agreement expressly waive any right to claim against the Village and its officers and employees, arising by reason of any error or mistake in relation to the description of any burial plot. The Village's liability shall only extend to a refund of any money paid to the Village for a plot(s) providing that the plot(s) suggested as an alternative is/are not acceptable to the purchaser.
- 3.15 It is a condition of sale of every burial plot that the Village has the right to reclaim all unused burial plots after the period of twenty-five (25) years has expired, pursuant to the *Cemeteries Act*, R.S.A. 2000 c.C-3, as amended or repealed or replaced from time to time.

Section 4: Interments and Disinterments

- 4.1 No interment shall be permitted in the Cemetery unless and until there has been produced to the Cemetery Supervisor, a burial permit issued by the proper office of the Government of the Province of Alberta.
- 4.2 Between May 1 and October 31 in any year, all applications for burials shall be made to the Village of Mannville office at least 48 hours before the time for interment. Between November 1 and April 30, all applications for burials shall be made at least seventy-two (72) hours before the time of interment. In the calculation of these time limits, Sundays and holidays shall not be included.
- 4.3 The use of grave liners is mandatory except for cremains.
- 4.4 Grave liners shall be constructed of concrete, plastic-lined concrete, bronze, or copper.
- 4.5 The type and size of outer cases, liners or oversized caskets shall be identified when ordering an opening for an interment so the correct size of the grave can be determined.
- 4.6 The burial of cremated remains shall be in such portion or portions of the Cemetery as may be designated by the Cemetery Supervisor. (plot holes are 18" x 18" x 24" deep).
- 4.7 All work being conducted in the immediate vicinity of a Plot shall be discontinued during a burial service at the Plot.
- 4.8 No disinterment of a body, regardless of circumstances, shall take place until a permit for disinterment is issued by the Provincial Government and a copy thereof presented to the Village. Disinterment must be attended by the funeral home requesting such service. The funeral home must provide the staff to handle the human remains and all necessary equipment and supplies. Village staff will only be responsible for locating the rough box, vault or grave liner or casket and opening and closing of the grave; an additional charge may apply.
- 4.9 The Person requesting a disinterment shall give complete and precise instructions regarding the location of the grave. The Village of Mannville shall not be responsible for any errors resulting for the lack of proper instruction.

Village of Mannville
Bylaw # 2012-779
Cemetery Bylaw

Section 5: Monuments

- 5.1 All Persons employed in the construction and erection of Monuments or doing other work in the Cemetery, whether they are employed by the Village of Mannville or not, shall be subject to the direction and control of the Cemetery Supervisor. No work shall proceed until the Village of Mannville authorizes it.
- 5.2 No person shall erect, or cause to be erected, or remove any Monument without submitting a request to erect or remove a Monument, including a description of the Monument and receiving approval from the Village.
- 5.3 The placement of Monuments shall comply with the following requirements:
- a. Monuments must be placed on that portion of the Plot undisturbed by excavation and must be in alignment with other Monuments in that section of the Cemetery.
 - b. No Person shall install a Monument in any area within the Cemetery unless it conforms to the type and style of Monument permitted to be installed in that area.
 - c. Monuments shall be constructed of granite, marble or bronze.
 - d. Each plot may have, upon receiving written approval from the Village, one foundation with one Monument with a maximum of six (6) names.
 - e. Plaques shall be placed on a concrete base as follows:
 - i. On a rectangular piece of concrete of not less than 3400 lbs P.S.A. strength and not less than a four-inch thickness;
 - ii. Be placed level with the surrounding ground contour with no corners protruding;
 - iii. Be a maximum of four (4) inches wide on all sides of the monument or monument base it is going to support.
 - f. Inscriptions on Monuments must be of sufficient depth and quality so as to be legible and durable. Metal plaques which oxidize or deteriorate are not permitted.
 - g. No inscription shall be placed on any Monument, which is not in keeping with the dignity and decorum of the Cemetery.
 - h. Notwithstanding the provisions of this Section, each Monument shall be in keeping with the appearance of other Monuments in the Cemetery.
 - i. The Village of Mannville may refuse the placement of any Monument, which may otherwise conform to these regulations, should it be determined that the proposed Monument is not appropriate for placement in the Cemetery.
 - j. After installation of a monument, no fixture of any type, such as pictures, ornaments, or similar items may be attached or affixed in any manner whatsoever to any part of a monument other than an approved vase, unless prior permission is granted for same by the Village.
 - k. Lettered boards, or memorial designs of any description designating graves, other than the standard temporary marker provided by the funeral home, will not be permitted. The standard temporary marker provided by the funeral home may be removed after a period of one year from the date of the burial. The Village is not responsible for standard temporary markers.

Village of Mannville
Bylaw # 2012-779
Cemetery Bylaw

- l. All persons employed by a monument supply firm shall be subject to the direction and control of the Cemetery Supervisor while providing delivery of monuments to the Cemetery and shall provide sixteen (16) working hours notice to inform the Village of when an installation is required.
- m. All earth, debris, litter and rubbish arising or resulting from work done on any burial plot shall be carefully cleaned up and removed from the Cemetery.
- n. The Village may, from time to time, report to the owners or next of kin on the condition of any monument in need of repair, and it shall be the duty of the owner of such monument, or the next of kin, to repair same without delay to the satisfaction of the Cemetery Supervisor.
- o. When the installation of a monument and or foundation is in non-compliance with the Cemetery Bylaw, a notice identifying the non-compliance will be issued by the Village. If the problem is not rectified in a reasonable amount of time, the Cemetery Supervisor has the authority to remove the monument in question pursuant to Cemetery Bylaw Part 2.6.

Section 6: Grave Decorations

- 6.1 Grave Decorations placed at the Cemetery shall conform to the following guidelines:
 - a. Flowers and similar decorations shall be placed in approved containers;
 - b. The grave decorations must not include lawn ornaments or any items made of glass or china; (must be permanently affixed to headstone).
 - c. Flowers and potted plants shall not be placed on the turf area of graves except where provided otherwise herein. See Section (2) (3).
- 6.2 Flowers or potted plants placed on a grave following the burial may be left for seven (7) calendar days, after which they may be removed and disposed of by the Cemetery Supervisor.
- 6.3 The Cemetery Supervisor is authorized to remove any grave decorations that do not conform to the provisions of this Bylaw.
- 6.4 The placement of grave decorations in the Cemetery is at the sole risk of the owner.

Section 7: Maintenance

- 7.1 The Cemetery Supervisor shall be responsible for the maintenance of the Cemetery grounds.
- 7.2 The Village and the Cemetery Supervisor shall have no obligation to maintain individual Plots, Monuments or other structures placed on Plots.
- 7.3 All perpetual care agreements must be provided to the Village.
- 7.4 No person shall throw, abandon or otherwise dispose of rubbish anywhere within the Cemetery except in receptacles specifically provided for that purpose by the Village.
- 7.5 No person shall place any thing on or adjacent to a Plot which in the opinion of the Cemetery Supervisor, restricts or hampers regular maintenance activities.

Village of Mannville
Bylaw # 2012-779
Cemetery Bylaw

- 7.6 No person shall plant any shrub, tree or flowers in any part of the Cemetery without first obtaining written approval from the Village.

Section 8: General Provisions

- 8.1 No person shall enter the Cemetery carrying a firearm unless such Person is participating in a military funeral and has lawful authority to bear such a firearm.
- 8.2 No Person shall create any nuisance, engage in activities such as games or sport, or otherwise engage in any activity that is, in the opinion of the Cemetery Supervisor, a Peace Officer or Bylaw Enforcement Officer, indecent or disrespectful, disturbing to solemnity or repose of the Cemetery, or disturbing of other persons assembled for the purpose of a funeral or interment within the Cemetery.
- 8.3 No unauthorized person shall drive a vehicle through the Cemetery at a speed exceeding 10 KM or upon any part of the Cemetery except on the roadway provided specifically for vehicular access.
- 8.4 No person shall ride an All Terrain Vehicle, Snowmobile or horse in the Cemetery except as part of a funeral procession.
- 8.5 There shall be no canvassing, advertising or placement of advertising trademarks on any monument within the Cemetery.
- 8.6 No person shall ride a bicycle over the graves, nor lean same against any monument or monument base, nor leave same on any grave.
- 8.7 The Village of Mannville will take all reasonable precautions to protect the property within the Cemetery, but assumes no responsibility for the loss of, or damage to any Monument, marker or part thereof, of any article placed on a Plot or to a Plot itself.
- 8.8 No person other than the Cemetery Supervisor shall disturb or remove or place any Flowering Ornament, Woody Ornamental, sod or dirt anywhere in the Cemetery.
- 8.9 No Person shall destroy, damage, alter, write on, deface, injure or remove any Monument, marker, structure, railing, fence, or other work for the protection, maintenance or ornamentation of the Cemetery or Plot, or any vehicle, building, machinery, tool, equipment, or any other material placed or left in the Cemetery.
- 8.10 No Person shall deposit any paper, sticks or refuse of any kind on any portion of the lands within the boundaries of the Cemetery except in receptacles provided for that purpose.
- 8.11 No animal shall be allowed in the Cemetery unless such animal is on a leash and under the control of an adult Person; owners of pet shall be responsible to clean up after animal.

Section 9: Offences & Penalties

- 9.1 Any person who commits any act or omission contrary to this Bylaw is guilty of an offence and is liable to pay a fine not exceeding \$1,000.00 exclusive of costs, for breach thereof or in the case of non-payment of the fine and costs, imprisonment not exceeding sixty (60) days.

Village of Mannville
Bylaw # 2012-779
Cemetery Bylaw

- 9.2 Notwithstanding section 9.1 of this Bylaw, any person who commits a second or subsequent offense under this Bylaw within one (1) year of committing a first offence under this Bylaw, is liable on summary conviction to double the fine set for the first offense.

Section 10: Violation Tag

- 10.1 A Bylaw Enforcement Officer is hereby authorized and empowered to issue Violation Tags to any person who the Bylaw Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 10.2 A Violation Tag may be issued to such person:
- a. either personally; or
 - b. by mailing a copy, via registered mail, to such person at his or her last known postal address.
- 10.3 The Violation Tag shall be in a form approved by the Chief Administrative Officer and shall state:
- a. The name of the person
 - b. The offense
 - c. The appropriate penalty for the offense
 - d. That the penalty shall be paid within 21 days of the issuance of the Violation Tag, and;
 - e. Any other information as may be required by the Village.
- 10.4 Where a Violation Tag is issued pursuant to this Bylaw, the person to whom the Violation Tag is issued may in lieu of prosecution of the offense, pay the Village the penalty specified in the Violation Tag.

Section 11: Violation Tickets

- 11.1 A Bylaw Enforcement Officer is hereby authorized and empowered to issue Violation Tickets to any person who the Bylaw Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw;
- 11.2 A Violation Ticket issued with respect to a contravention of this Bylaw shall be served upon the person responsible for the contravention in accordance with the *Provincial Offences Procedure Act*, R.S.A. 2000, C. p-34, as amended or repealed and replaced from time to time;
- 11.3 The person to whom the Violation Ticket has been issued may plead guilty by making a voluntary payment in respect of the Summons by delivering to the Provincial Court, on or before the initial appearance date, the Violation Ticket together with an amount equal to the specified penalty for the offence.
- 11.4 When a Clerk of the Provincial Court records the receipt of a voluntary payment pursuant to section 9 of the Bylaw and the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34, as amended or repealed and replaced from time to time, the act of recording constitutes acceptance of the guilty plea and also constitutes a conviction and the imposition of a fine in the amount of the specified penalty.

**Village of Mannville
Bylaw # 2012-779
Cemetery Bylaw**

Section 12: Severability

Should any provision of this Bylaw be found invalid, the invalid provision shall be severed and the remaining Bylaw shall be maintained.

Section 13: Effective Date

This Bylaw shall come into force upon receipt of its third and final reading.

READ A FIRST TIME THIS 26th DAY OF JUNE, 2012.

READ A SECOND TIME THIS 26TH DAY OF JUNE 2012

READ A THIRD TIME BY UNANIMOUS CONSENT AND PASSED THIS JUNE DAY OF JUNE, 2012.

Mayor Al Good

Thelma Rogers, CAO