

BYLAW #2006-840

CEMETERY BY-LAW

TO PROVIDE FOR THE REGULATION AND CONTROL  
OF THE CEMETARY OPERATED BY THE TOWN OF TWO HILLS

WHEREAS the *Cemeteries Act*, R.S.A.2000,C-3 as amended, and the regulations thereunder, permit a municipality to own and operate cemeteries within its boundaries;

AND WHEREAS, pursuant to the *Municipal Government Act*, RSA 2000, c. M-26 as amended, any Council may pass bylaws for municipal purposes respecting services provided by the municipality;

AND WHEREAS the Council of the Town of Two Hills deems it necessary to pass a bylaw respecting the operation of cemeteries owned by the Town of Two Hills;

NOW THEREFORE the Council of the Town of Two Hills, duly assembled, enacts as follows:

I. SHORT TITLE

This bylaw shall be called the “Cemetery Bylaw”.

II. PURPOSE

1. The purpose of this bylaw is:

- (a) to establish a bylaw to control the operations of the cemetery owned by the Town of Two Hills.
- (b) to repeal By-law #152 and any amendments thereof.

III. DEFINITIONS

In this Bylaw, unless the context otherwise requires:

1. "*Cemetery*" shall mean all that portion of Pt. SW 4-55-12-W4 Certificate of Title #213B152, containing 5.01 acres.
2. "*Cemetery Caretaker*" shall mean the employee of the Town of Two Hills charged with the care and control of the Cemetery.
3. "*Council*" shall mean the Council of the Town of Two Hills.
4. "*Flowering Ornamental*" shall mean any perennial, annual or bi-annual flowering plant.
5. "*Grave liner*" shall mean a concrete or metal rough box placed in a grave to house a casket.
6. "*Indigent*" shall mean a Person without means, support or known relatives requiring burial at the cemetery.
7. "*Lot*" shall mean a group of graves without a walkway or roadway between them.
8. "*Monument*" shall mean any structure in the cemetery erected or constructed on any grave or plot, for memorial purposes.
9. "*Person*" shall include an individual, partnership or corporation.
10. "*Plot*" shall mean one grave.
12. "*Resident*" shall mean a person who has resided within the Town of Two Hills or County of Two Hills immediately preceding his or her death or his or her application to purchase a plot.
13. "*Town*" shall mean the Town of Two Hills.
14. "*Woody Ornamental*" shall mean any trees, shrubs, and creeping or climbing plants.

#### IV. DUTIES, RIGHTS AND POWERS

1. The Cemetery Caretaker shall have the sole control of all matters within the Cemetery that are concerned with maintaining the grounds in a neat and pleasing condition, and to that end is hereby authorized to regulate and control the Cemetery grounds.
2. The Cemetery Caretaker is hereby authorized to remove, or have removed, any weeds, grass, funeral designs or floral pieces which may become

wilted, or any other article or thing which, in the opinion of the Cemetery Caretaker, is unsightly.

3. If, in the opinion of the Cemetery Caretaker, any Woody Ornamentals situated on or about the Cemetery become, by means of their roots or branches, or in 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 Caretaker is authorized to remove such Woody Ornamentals, or any parts thereof.
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 lot and have, by reason or age or neglect, become unsightly or objectionable, the Cemetery Caretaker may cause such to be removed, after 30 days notice of the intention to do so has been given to the owners of the plot, or to relative if the owner is deceased, or published in a newspaper circulated in the Town of Two Hills, if the relatives are unknown.
5. Every owner of a monument or other erection upon any plot shall maintain it in proper repair.
6. When, in the opinion of the Cemetery Caretaker, any monument is in a state of disrepair, he shall notify the owner in writing thereof and require that repairs be promptly undertaken. Any monument or structure not repaired within 30 days after a letter has been sent to the owner or his personal representative, to the last known address provided to the Town of Two Hills, may be removed and retained in the custody of the Cemetery Caretaker for a period of 120 days to allow the person responsible for its maintenance to claim the monument and return it to an acceptable condition.
7. The Cemetery Caretaker 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.

## V. PLOTS

1. Plans for burial purposes, including a record of all interments and disinterments will be kept at the Town of Two Hills office. Copies of all such plans shall be available for inspection free of charge at the Town of Two Hills office during regular office hours.
2. Plots shall be available for the burial of human remains at all times.

3. No person shall make a reservation for one or more plots without making payment in full at the time of the reservation.
4. Upon payment of the full price of any plot, the Town of Two Hills shall provide a receipt for the said sum, and provide a certificate for such plot to such person or to that person's personal representative, as such person may appoint.
5. Plots shall not be resold; however, plots may be transferred from one family member to another family member. No transfer shall be valid unless it is duly registered with the Town of Two Hills.
6. When a plot is held by two or more persons, an order for interment in such a plot of any part thereof will be accepted by the Town of Two Hills from any one of the said persons or their personal representative.
7. 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.
8. Plots shall not be used for any purpose other than burial grounds for human remains.
9. All burials are to be made within the confines of a single plot. There shall not be more than one full body burial in a single plot. Ashes, to a total of 4 cremated remains, may be buried in an occupied plot when the person in charge of the ashes has received permission for such burial in that plot from the Cemetery Caretaker.

## VI. INTERMENTS AND DISINTERMENTS

1. No interment shall be permitted in the Cemetery unless and until there has been produced to the Cemetery Caretaker, the following:
  - (a) a burial permit issued by the proper office of the Government of the Province of Alberta; and
  - (b) a Town of Two Hills burial order completed and signed by the owner of the plot in which such interment is to be made, or the personal representative of such owner, except in the case of funeral homes who have entered into an agreement with the Town of Two Hills whereby the said funeral homes agree to be responsible for all interments ordered by telephone or otherwise.

2. Between May 1 and October 31 in any year, all applications for burials shall be made to the Town of Two Hills 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 72 hours before the time of interment.
3. Notwithstanding any other provisions of this bylaw, orders for interment for Saturday, Sunday, or Statutory Holidays, must be placed with the Town of Two Hills office at least 48 hours before the burial is to take place, unless the Cemetery Caretaker, for emergent reasons, otherwise allows.
4. The use of Grave Liners is optional and is the responsibility of the funeral homes.
5. No grave for the burial of a deceased person of the age of 5 years or over shall be less than 6 feet between the top of the casket and the surface of the ground.
6. No grave for the burial of a deceased person under the age of 5 years shall be less than 4 feet between the top of the casket and the surface of the ground.
7. No grave for the burial of cremated remains shall be less than 24 inches in depth from the surface of the ground.
8. The burial of destitute or indigent persons and unclaimed bodies may be placed in such a portion or portions of the Cemetery as may be designated by the Cemetery Caretaker, and as indicated on the Cemetery plans located at the Town of Two Hills office.
9. All work being conducted in the immediate vicinity of a plot shall be discontinued during a burial service at that plot.
10. 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 Cemetery Caretaker. No disinterment shall be allowed, except for re-burial in the same grave at greater depth, unless permission is first obtained for that purpose by the Cemetery Caretaker and, if given, such permission shall be in writing and signed by the Cemetery Caretaker.
11. The person requesting a disinterment shall give complete and precise instructions regarding the location of the grave. The Town of Two Hills shall not be responsible for any errors resulting from the lack of proper instruction.

12. All interments and disinterments in the Cemetery shall be under the control of the Cemetery Caretaker.
13. Every owner of a plot in the Cemetery, or the owner's personal representative, shall be held responsible for the cost of the plot and for all charges in connection therewith, including disinterment or removal of a body when applicable. Any person signing an order for interment will be held responsible for all charges in connection with such interment. Such person shall, in addition, be held responsible for compliance with the regulations governing erection of monuments applicable to that part of the Cemetery in which the interment is made.

## VII. MONUMENTS

1. All persons employed in the construction and erection of monuments or doing other work in the Cemetery, whether they are employed by the Town of Two Hills or not, shall be subject to the direction and control of the Cemetery Caretaker. No work shall proceed until it is authorized by the Cemetery Caretaker.
2. No person shall erect, or cause to be erected, any monument without submitting an application to erect a monument, including a description of the monument, to the Town of Two Hills and receiving approval from the Town of Two Hills.
3. The placement of monuments shall comply with the following requirements:
  - (a) A concrete foundation extending 6 inches on each side of the monument not less than 6 inches in depth and being at the level of ground adjoining the grave plot. Proper forms must be used for the construction of the base.
  - (b) Monuments must be placed on that 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 granite, marble or bronze. Cairn or boulder monuments may be permitted in areas designed on the Cemetery plans.
  - (d) 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.

- (e) No inscription shall be placed on any monument which is not in keeping with the dignity and decorum of the Cemetery.
- (f) Upright monuments must not exceed the following dimensions:
  - 40 inches in height
  - 18 inches in depth
  - 48 inches in width
- (g) Pillow monuments must not exceed the following dimensions:
  - 12 inches in height
  - 18 inches in depth
  - 48 inches in width
- (h) Flat markers must not exceed 24" by 48" and must be mounted flush with the surface of the ground.
- (i) Notwithstanding the provisions of this Section, each monument shall be in keeping with the appearance of other monuments in the Cemetery and with the character of the Cemetery.
- (j) The Town of Two Hills 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.
- (k) The Town of Two Hills will not be responsible for any errors resulting in monuments being designed, or the description on the face being inaccurate.

4. No monuments shall be erected on a Saturday, Sunday or Statutory Holiday unless written permission has been granted by the Cemetery Caretaker.
5. All foundations for the erecting of monuments shall be level, flush with the ground, made of concrete, at least 6 inches in depth, and extend not less than 6 inches beyond the extreme lateral dimension of the monument.
6. All persons erecting monuments shall ensure that such monuments are firmly secured to the foundation, and the foundation is adequate to carry the monument.
7. All persons erecting monuments shall ensure that surrounding areas are left in the same condition as found.

8. No monument shall be installed, nor shall any monument be removed, from any plot without the permission of the Cemetery caretaker.
9. When any monument, grave stone, or memorial of any kind is to be removed, or any inscription made on a monument or cleaning done, permission shall be obtained from the Cemetery caretaker. Application for such permission shall be made in writing by the owner of the plot, with a description of the work proposed.
10. No person shall erect or cause to be erected more than one monument or structure on any one plot.
11. Grave covers are prohibited except where one presently exists in which care the owner of the plot, or personal representative, may install a stone to match the existing grave cover.

### VIII. VEHICLES IN THE CEMETERY

1. No person shall drive any vehicle through the Cemetery at a speed exceeding 15 kph. and then may only drive a vehicle upon the roadway provided for that purpose.
2. The Cemetery caretaker may prohibit the driving of any vehicles in any part of the Cemetery.
3. The Cemetery caretaker may prohibit the driving of any vehicles in the Cemetery when the roads are in an unfit condition.
4. No person shall ride a bicycle, snowmobile, ATV, motorcycle or horse in the Cemetery unless they are a part of a funeral procession.
5. The owner of any moving vehicle shall be responsible for any damage done by such vehicle within the boundaries of the Cemetery. Vehicle with trailers must obtain permission from the Cemetery caretaker prior to entry into the Cemetery.
6. No person shall enter the Cemetery carrying firearms unless such person is participating in a military funeral.

### IX. GENERAL PROVISIONS

1. No person shall disturb the quiet and good order of the Cemetery by noise or other improper conduct.

2. A member of the Royal Canadian Mounted Police, the Town of Two Hills Bylaw Enforcement Officer, the Cemetery caretaker, or any other designated person in charge of the Cemetery, may evict therefrom, using such force as is reasonable necessary, or deny entrance to any person who contravenes Section 1 above.
3. The Town of Two Hills will take all reasonably 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, or any other article placed on a plot, or to a plot itself.
4. No person other than the Cemetery caretaker shall disturb or remove or place any flowering ornamental, woody ornamental, sod or dirt anywhere in the Cemetery except as may be provided for herein.
5. Flowering ornamentals or woody ornamentals donated in memory of a deceased person will be planted at a place in the Cemetery designated by the Cemetery caretaker.
6. No person shall place woody ornamentals on a plot or at the head or foot of a grave.
7. No person shall destroy, damage, deface or write upon any monument or other structure or object in the Cemetery.
8. 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.
9. No animal shall be allowed in the Cemetery unless such animal is on a leash and under the control of an adult person.

#### X. ENFORCEMENT

Any person who contravenes a provision of this Bylaw is guilty of an offence and is liable to pay a fine not exceeding \$2,000.00 exclusive of costs, for breach thereof.

#### XI. SEVERABILITY

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

XI EFFECTIVE DATE

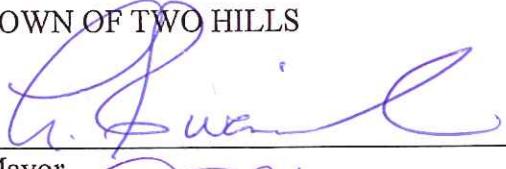
This Bylaw shall come into effect upon third and final reading.

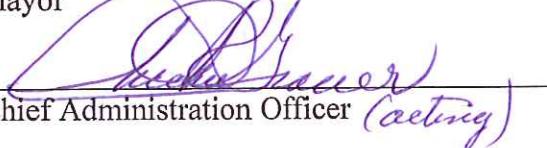
Read a first time this 11 day of Dec 6, 2006.

Read a second time this 11 day of Dec, 2006.

Read a third time and finally passed this 11 day of Dec, 2006.

TOWN OF TWO HILLS

  
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Mayor

  
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Chief Administration Officer (acting)