

Bylaw 05-03 Cemetery Bylaw

BEING a By-Law of the Village of Alliance, in the Province of Alberta, to provide for the care, control and regulation of the Alliance Cemetery

WHEREAS, the Council of the Village of Alliance, in the Province of Alberta, deems it wise, equitable and practical to regulate the use of the Alliance Cemetery, and

WHEREAS, the Council of the Village of Alliance, in the Province of Alberta, wishes to maintain and keep the cemetery grounds in a sightly manner, and

WHEREAS, the Council of the Village of Alliance has authorized the Alliance Legion #94 to be responsible for maintenance of the Alliance Cemetery.

THEREFORE, the Council of the Village of Alliance, in the Province of Alberta, duly assembled, enacts as follows:

A. Regulations:

1. No person shall further subdivide or alter any block, lot or plot in any manner with the subdivision plans on record in the Town Office except by special written permission of the Town Council.
2. The Village has the sole management of the affairs of the Cemetery and this By-Law may be amended from time to time by Council.
3. The Village shall have plots available for the burial of human remains at all times.
4. The blocks, lots and plots in any particular section of the Cemetery shall be laid out in accordance with generally accepted cemetery practices.
5. The Alliance Legion # 94 (in charge of cemetery maintenance) shall have the authority to remove any weeds or grass, funeral designs or floral pieces which may become wilted, or any other article or thing which in its opinion is unsightly.
6. The Village and/or the Alliance Legion # 94 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 plot;
 - b) to the plots 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 ninety (90) 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 which may be recovered as a debt from the owner to the Village
8. No person shall turn loose, allow to go at large or feed any animals in the Cemetery.
9. Persons within the Cemetery shall only travel on the roads, walks and alleys as provided.
10. Vehicles in the Cemetery shall travel only on the roadways provided for the purpose.

11. No person shall pick flowers, break or injure any tree, shrub, or plant, or write upon, destroy, deface or damage any memorial, fence or structure within the Cemetery grounds.
12. No person shall plant any tree, woody ornamentals or flowering ornamentals on the plots. 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.

B. Plots:

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 or 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 kept by the Village Office in accordance with such plans. Copies of all such plans shall be available for inspection free of charge at the Village Office during normal office hours.
2. The Chief Administrative Officer or designate shall supervise all sales of plots and interments in the Cemetery.
3. The Village shall, upon payment by any person to the Village of the full price of any plot, furnish such person with a receipt for the sum paid and a transfer of such plot to such person or to such other person as such person may appoint by the insurance of a deed.
4. Plots shall not be resold to any other party, however plots 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.
5. The owner of a plot may return it to the Village and shall be entitled to a refund of the prevailing rate of the village fees, less an administration fee of 15% of the total.
6. All persons who purchase plots or have plots transferred to them are responsible for all charges in connection therewith.

C. Interments:

1. No interment 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 interment shall be permitted in the Cemetery unless a proper Burial Permit is produced by the party applying for the burial. All applications for burial shall be made to the Village Office at least forty-eight (48) hours before time for interment.
3. The person instructing the Village to open a grave shall give complete and precise instructions regarding the size and location of the grave, and the Village shall not be responsible for any errors resulting from the lack of proper instruction. The Village may choose to hire a contractor to open and close a grave.
4. No 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. Where two caskets or coffins are placed in one grave above each other the top of the outer case of the first casket or coffin shall be at least six (6) feet in depth from the surface of the surrounding ground.

5. Cremated remains may be placed in or on the casket at the same time that interment takes place or cremated remains may be interred in the same grave plot at any time following initial interment of the original casket.
6. After October 15, 1999, the cremated remains of not more than six (6) persons may be interred in a single unoccupied plot.
7. Graves shall be dug only by persons after a request from the Village is granted.
8. The Funeral Home shall be responsible for lowering the casket and the placing and removal of "greens."
9. Whenever a plot is held by two or more persons, an order for interment in such plot or any part thereof will be accepted by the Village from any one of the said persons or their personal representative.

D. Disinterment:

1. Only persons employed or contracted by the Village shall disinter or remove a body from any plot. A written order from the owner of the plot and a permit for the disinterment or removal of a body from the Provincial Medical Health Officer must be provided to the Village prior to the Village disinterring a body.
2. The person instructing the Village for the disinterment shall give complete and precise information regarding the disinterment and the Village shall not be responsible for any errors resulting from the lack of proper information.

E. Care of Plots, Monuments and Markers:

1. The Alliance Legion # 94 shall be responsible for the care and maintenance of the Alliance Cemetery.
2. The owners(s) of plots shall observe all rules and regulations passed from time to time by the Village for keeping the plots in order.
3. Fences, railings, walls, enclosures, copings, hedges, woody ornamentals, flowering ornamentals in or around the plots are prohibited. Coverings or slabs placed over any plot are prohibited.
4. Posts to mark the limits of the plot will be permitted, provided that they are placed within the limits of the plot and are level with and not projecting above the ground.
5. The Village shall, from time to time, report to the owner on the condition of any monument or marker which is in disrepair, and it shall be the duty of the owner of such monuments or marker to repair the same, without delay to the satisfaction of the Village.
6. Whenever any owner of a monument or marker neglects to make the required repairs or alterations, after being given due notice by the Village, the Village shall allow a period of ninety (90) days to elapse after which time, it shall have power to remove such monuments or marker and charge the cost thereof to the owner which may be recovered as a debt from the owner to the Village.

F. Installation of Monuments and 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. No work shall be done upon any monument nor shall any monument be installed or removed from the grave or plot without permission from the Village and/or

consultation with the Alliance Legion # 94 representative. All persons erecting monuments shall ensure that the surrounding areas are left in the same condition as found.

3. No monuments or markers shall be erected on Saturdays, Sundays or holidays unless permission in writing has been granted by the Village.
4. All monuments or markers should be firmly secured to the base and the foundation must be adequate to carry the monument marker.
5. a) Monuments must be constructed of stone resistant to weathering and cannot be constructed of concrete. In certain cases, metal may be used but it cannot be subject to oxidization.
b) All bases of monuments or markers shall be confined within the boundaries of the respective plots. All monuments and markers shall be placed at the head of the plot in solid ground and shall be in line with other monuments in that section of the cemetery. All bases must be placed at ground level.
6. No monuments shall be erected from November 1st to April 30th.
7. All work of any description shall cease while a funeral or interment is being conducted nearby. All trucks, equipment and workmen shall withdraw from view from the location of the funeral service.
8. The Village may refuse the placement of any monument, which may otherwise conform to the regulations of this By-Law, but is not in keeping with the general appearance of the cemetery.
9. Any monument not conforming to the By-Law 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.
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.
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.

G. Penalty:

1. Any person(s) who destroys, damages, defaces or writes upon any monument or marker or other structure or object in the cemetery shall be guilty of an offense and shall be dealt with by the law.

H. Fees:

1. Price of plot in the Alliance Cemetery shall be \$100.00.
2. Price of a plot in the "Cremains" area of the Cemetery is yet to be determined.

This By-Law comes into full force and effect on the date of its final passing.

READ A FIRST TIME THIS 18 DAY OF July A.D. 2005
READ A SECOND TIME THIS 18 DAY OF July A.D. 2005
READ A THIRTDAND FINAL TIME THIS 18 DAY OF July A.D. 2005

Murid Fankhanil
MAYOR

Lucie Roberts
CHIEF ADMINISTRATIVE OFFICER