



## BYLAW NO. 97-218

### of the Municipal District of Greenview No. 16

**A Bylaw of the Municipal District of Greenview No. 16, in the Province of Alberta, for the purpose of establishing control of cemetery operations, and hereby known as the 'Cemetery Bylaw'.**

**WHEREAS**, the Municipal District of Greenview No. 16 is recognized as the owner of cemeteries, as defined in the *Cemeteries Act*, Chapter C-2;

**THEREFORE**, the Council for the Municipal District of Greenview No. 16, duly assembled, enacts as follows:

**1. PURPOSE:**

- 1.1 The purpose of this bylaw is to establish a bylaw to control the operations of cemeteries owned by the Municipal District of Greenview No. 16.

**2. DEFINITIONS:**

- 2.1 **Caretaker** means the person placed in charge of the cemetery by resolution of Committee.
- 2.2 **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, owned by the Municipal District of Greenview.
- 2.3 **Committee** means an Advisory Committee that may be formed to advise and recommend to the Council on matters required in the performance of this Bylaw.
- 2.4 **Fees** means a Schedule of Fees and Charges as established by the Committee.
- 2.5 **Lot** means a single grave site.
- 2.6 **Maintenance** means both short and long term care of the cemetery.
- 2.7 **Memorial Fund** is moneys donated for the purpose of maintenance or beautification of the cemetery. This money is to be transferred to the trust fund unless specified for a certain project by the donor.
- 2.8 **Monument**; for the purpose of this Bylaw, a monument shall be understood to be any permanent memorial structure.
- 2.9 **Municipality** means the Municipal District of Greenview No. 16.
- 2.10 **Plot** means two or more lots shown on a plan and officially recorded with the Committee.
- 2.11 **Trust Fund** is moneys from the Memorial Fund that are placed in a term deposit or other savings to generate interest for the maintenance and beautification of the cemetery.

**3. CONTROL:**

- 3.1 The municipality may delegate its authority to the Committee with respect to the control and maintenance of the cemetery.
- 3.3 The Committee shall supervise all sales of lots and plots.
- 3.4 The Committee shall keep a correct account of all revenues and expenditures made in connection with the cemetery.

- 3.5 Two copies of all burial records (sales of lots or plots) and reservations shall be maintained. One copy of all records shall be forwarded to the municipality prior to June 30th in each year.

**4. SALES AND RESERVATIONS:**

- 4.1 The Committee shall from time to time review and recommend to the municipality the prices for all lot and plot sales, the charges for opening and closing of lots, and the maintenance fees.
- 4.2 Lots in the cemetery shall be sold by the Committee. Should financial hardship be proven, the Committee may make arrangements with the purchaser of a lot as it sees fit.
- 4.3 Reservation for one or more lot or plot may be made. However, if after 180 days the lots or plots are not paid for, they will be forfeited.
- 4.4 If approved by the Committee, lots and plots may be transferred for no more than the original purchase cost set by the Committee.
- 4.5 It is a condition of every sale that the purchaser expressly waives any claim arising by reason of any error or mis-description of any burial plot. The Committee undertakes that it will attempt, insofar as it is reasonably possible, to avoid such errors but its liability shall only extend to refund in case of error, any money paid to the Committee for a lot or lots and it undertakes to make an equivalent quality of lot or lots available.
- 4.6 Application for interment should be made 36 hours prior to the time established for burial from May to October inclusive, and 48 hours during the months of November to April inclusive, not including weekends.

**5. MONUMENTS:**

- 5.1 The owner of each lot shall have the right to erect thereon a monument or headstone subject to the provisions of the Committee on cemetery monuments.
- 5.2 The caretaker is to approve any headstone or monument prior to placement on the grave.
- 5.3 It is the lot owner's responsibility to maintain the monument in a manner acceptable to the caretaker.
- 5.4 No person shall place upon any monument the name of a dealer, supplier or manufacturer.
- 5.5 Vertical monuments, tombstones or markers placed above the level of the ground will be allowed.
- 5.6 All memorials must be of granite, marble, limestone or bronze unless approved in writing by the Caretaker. No fixtures of any type such as pictures or ornaments made of breakable materials may be attached or affixed in any manner whatsoever to any part of a memorial.
- 5.7 The outside back of any monument on any adult grave, whether it be upright or flat, must be placed exactly sixteen inches from the boundary at the head of the lot. On a child's grave, the outside back of any monument must be placed exactly twelve inches from the boundary at the head of the lot.
- 5.8 The Committee may allow full length grave covers if they are constructed of granite, marble, limestone or bronze and are no more than six inches above ground level.
- 5.9 All foundations for erecting memorials shall be made of concrete and must extend not less than six inches around the complete base of the memorial and must be level with the surface of the ground.
- 5.10 No monument work except markers shall be delivered to a cemetery until the foundation is completed and until the contractor is ready to proceed with the work of erection.
- 5.11 The behavior of all workmen employed by others upon cemetery property shall be subject to the control of the Caretaker. Contractors, masons, and stone cutters shall lay planks on the lots and paths over which heavy materials are to be moved in order to protect them from injury.

**6. CARE OF LOTS:**

- 6.1 The owner of each lot shall have the right to improve his lot at his convenience subject to the provisions of this bylaw.
- 6.2 To ensure neatness, and to preserve the beauty of the cemetery, the caretaker shall approve the placement and removal of:
  - a) wreaths, flowers and other removable mementos.
  - b) flowers, shrubs, weeds and grass growing upon graves.
- 6.3 Any lot owner shall be allowed to place monuments, plant flower beds, or make any improvements on the lot(s), providing such work is in accordance with this Bylaw, in an area extending five (5) feet from the head of the lot and the full width of the lot less six (6) inches from the boundary on each side (on child's grave - forty (40) inches from the head of the lot and the full width of the lot less six (6) inches from the boundary on each side). They may, however, use the entire lot for a period of not longer than 180 days from the date of interment, after which time the Caretaker may level and landscape to Committee standards.
- 6.4 No person or lot owner shall plant any tree or shrub or any other plant that will attain a height of 18 inches or over in accordance with No. 6.1 above.
- 6.5 No person other than the Caretaker shall remove any growing plants, flowers, slips, or cuttings from anywhere in the cemetery.
- 6.6 The Caretaker may remove, after a period of thirty (30) days, from any lot any weeds, grass, funeral design, or floral pieces which may become wilted, or any other article or thing which is in his opinion unsightly.

**7. MISCELLANEOUS PROVISIONS:**

- 7.1 The cemetery shall not be used for any purpose other than burial grounds for dead human bodies and human cremated remains.
- 7.2 All burials are to be made within the confines of a single lot. There must be a minimum of twelve (12) inches of earth between remains buried in adjoining lots. There shall not be more than two burials in a single adult grave space and there shall be a minimum of three (3) feet of earth above the outer shell. Double burial in one lot must be indicated at the time of sale of the lot.
- 7.3 There shall not be more than six (6) containers of cremated remains permitted per single lot. There must be a minimum of two and one half (2 1/2) feet of earth placed over each container.
- 7.4 Provisions may be made to inter more than one stillborn body within the confines of one lot. There must be a minimum of one (1) foot of earth between remains buried in such communal graves, with at least three feet of soil over the uppermost casket.
- 7.5 No person shall drive a vehicle in the cemetery except at a moderate rate and then only upon the roadway provided for the purpose thereof. The caretaker may at his discretion prohibit the entrance of vehicles into the cemetery when the roads are not fit for vehicles. The owner of any motor vehicle shall be responsible for any damages done by such a vehicle within the boundaries of the cemetery.
- 7.6 No person shall disturb the quiet and good order of the cemetery by noise or any other improper conduct.
- 7.7 Any person who willfully damages or destroys or removes any tomb, monument, gravestone or any other structure placed in the cemetery or any railing or other work for the protection or ornamentation of the cemetery or burial lot, or willfully damages or destroys any tree, shrub or plant in the cemetery, or any person who in the cemetery discharges firearms (save at military funerals) or commits a nuisance, shall be prosecuted to the fullest extent of the law.

**8. MEMORIAL FUND AND TRUST FUND:**

- 8.1 Two separate accounts are to be set up by the Committee including a Memorial Fund and Trust Fund, and operated by the Committee as per this bylaw and any pertinent policy thereto.

8.2 The Committee shall maintain a record of expenditures and revenues relating to all operations of the cemetery, and shall, prior to March 31st of each year, provide to the municipality a financial statement of such expenditures and revenues, signed by two Committee members in good standing.

**9. ROLE OF COMMITTEE:**

9.1 There is hereby established a Committee which shall consist of: five members at large from the municipality or who may have a vested interest in the cemetery, one of which shall serve as Caretaker; plus one municipal Councilor for the area served, as appointed by resolution of Council from time to time.

9.2 The Committee members term of office shall be for three years, to run concurrently with the municipal election year.

9.3 The positions of Chairman and Treasurer of the Committee shall be elected from within for a one year term.

9.4 The Committee shall operate, maintain and manage the cemetery.

9.5 Subject to the provisions of this bylaw and any policy thereto, the Committee may determine all rules of procedure for the conduct of its meetings, policies, procedures, and the setting of a fee schedule to cover costs for operating and maintaining the cemetery, subject to final approval from the municipality.

**10. GENERAL:**

10.1 The municipality may enter into agreement with another party for the performance of this bylaw if a Committee is not established.

10.2 This Bylaw may be amended by resolution of Council

10.3 This Bylaw shall come into force and effect upon the day of final passing.

Read a first time this 13th day of August, A.D., 1997.

Read a second time this 12th day of November, A.D., 1997.

Read a third time and finally passed this 12th day of November, A.D., 1997.

K. P. Michigan  
REEVE

Coordonfrent  
MUNICIPAL MANAGER