

**BY-LAW NO. 20-25
TOWN OF FALHER**

A BY-LAW OF THE TOWN OF FALHER, IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR THE MAINTENANCE AND CONTROL OF THE STE. ANNE PARISH CEMETERY.

WHEREAS, La Corporation Episcopale Catholique Romaine de Grouard-McLennan is the registered owner of a certain parcel of land in the Municipal District of Smoky River No. 130 known as the Ste. Anne Parish Cemetery; and

WHEREAS, The Town of Falher has executed an agreement with La Corporation on January 6, 1995 for the lease of the Cemetery for a term of 5 years; and

WHEREAS, it is deemed expedient to adopt regulations for the maintenance and control of the Ste. Anne Parish Cemetery

NOW THEREFORE, The Council of the Town of Falher, in the Province of Alberta, duly assembled, hereby enacts as follows:

Title

1. This By-law may be cited as the "Town of Falher Cemetery By-law".

Definitions

2. In this bylaw, unless the context otherwise requires, the word, term or expression:
 - a. **Administrator:** the Chief Administrative Officer of the Town of Falher or an authorized agent of the Town of Falher.
 - b. **Cemetery:** the Ste. Anne Parish Cemetery located on C. of T. 942 302 452 (Pt. NE 5-78-21-W5th).
 - c. **Council:** the Municipal Council of the Town of Falher duly assembled.
 - d. **Immediate Family Member:** the spouse, mother, father, daughter or son of the owner of a plot.
 - e. **Owner:** the person who purchases a plot or niche or the person or executor of an estate of a person who purchases a plot or niche at the cemetery.
 - f. **Plot:** a clearly delineated parcel of land, numbered and marked on the Cemetery Plan and duly registered in the Cemetery Files.
 - g. **Town:** the Town of Falher, in the Province of Alberta.

Duties of Administrator

3. The Administrator shall keep and maintain plans of the Cemetery and all records in connection therewith.
4. Make all sales of plots in the Cemetery.
5. Keep a record of sales of burial rights, of persons buried in the cemetery, date of burial and other records as may be required by the Town and the Province of Alberta.
6. Issue to each owner a certificate of purchase (refer to Appendix B or C), and collect any and all fees as specified in Appendix "A" of this bylaw.
7. Enforce all obligations of the Town pursuant to the Province of Alberta's current Cemeteries Act, and any amendments thereto.

Regulations

8. Sale of Plots and Niches
 - a. Council is hereby empowered and authorized to adopt any charges to be made for a plot or niche in the Cemetery from time to time as deemed necessary, said charges to apply in all cases and to include perpetual upkeep of plots, whether occupied or otherwise, but not to include the maintenance, placing or removal of tombstones, grave markers or opening of niches. Fees and charges shall be those appearing in Appendix "A" attached hereto.
9. Reservations
 - a. At the time that a plot(s) or niche are reserved, the Administrator will demand payment of all applicable fees and charges
 - b. Council reserves the right to limit the number of plots reserved to two, and niches to one.
10. No plot(s) or niche may be transferred unless all such transactions are approved by the Administrator and are made in accordance with this bylaw.
11. No plot(s) or niche in the cemetery may be transferred for consideration greater than the consideration paid by the Owner to the Town and the transfer instrument must clearly show the amount paid by the Owner to the Town.
12. Ownership may be returned to the Town and the Town will repay an Owner the original purchase price for an unused plot(s) less a transfer fee for each plot. In the case of a niche, the original purchase price of the niche only, less a transfer fee as noted in Schedule "A" will be repaid. No transaction between the Town and Owner intended

to convey burial rights shall be valid unless it is recorded by a signed letter or other instrument filed in the office of the Administrator.

13. Those persons owning plot(s) or niches in the cemetery shall not resell said plot(s) or niches for a profit, nor shall they allow interments in these plot(s) or niches for remuneration.
14. It is a condition of every sale in the cemetery that the Owner expressly waives any claim arising by reason of any error or improper description of any burial plot or niche. The Town undertakes that it will attempt insofar as is reasonably possible, to avoid such errors but its liability shall only extend to a refund, in case of error, or any money paid to the Town for a plot(s) or niche and an undertaking to make an equivalent quality of plot(s) or niche available in lieu of those originally allocated.
15. When a plot becomes vacant by removal of the body or bodies therein, the land may revert to the Town at the Owner's option and the Town may in such case rebate the original purchase price less a transfer fee.
16. Lists of recent interments, etc., shall not be given to any commercial establishment, employee or agents thereof.
17. Interments:
 - a. No human remains shall be buried within the limits of the Town of Falher except within the Cemetery defined in this bylaw or future amendments thereto.
 - b. No person shall bury any human remains in the Town of Falher until such person has complied with:
 - i. The provisions of the Public Health Act of the Province of Alberta;
 - ii. The provisions of the Cemetery Act of the Province of Alberta;
 - iii. The provisions of the Vital Statistics Act of the Province of Alberta.
 - c. Applications for interment must be made to the Administrator in the form attached hereto as Appendix "B".
 - d. Applications must be made at least two working days prior to the time established for burial. This notification may be waived when the body to be interred died from a contagious disease or if special circumstances so require.
 - e. The Administrator must be in receipt of one copy of the Burial Permit or certificate of cremation before he shall allow an interment to proceed.
 - f. Locating of graves shall be the responsibility of the Town.
 - g. Burial rights in the cemetery shall be granted upon payment by the Owner of all required fees and charges.
 - h. Burial rights, and burials will be subject to and conducted in accordance with the bylaws of the Town as amended from time to time and the rules and regulations of the Province of Alberta Cemeteries Act.
 - i. Every Owner obtaining a plot(s) or niche in a cemetery shall be held responsible for the cost thereof and for all charges in connection therewith including disinterment or removal of a body when requested by an Owner. Any person signing an order for interment will be held responsible for all charges in connection with such interment. Such persons 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.
 - j. Undertakers must provide the necessary lowering devices and rough boxes (if necessary) and make their own arrangements for the placing of mats, wreaths, flowers, and other ornamental objects on or around the grave.
 - k. No more than one body shall be buried in a regular sized plot except:
 - i. A mother and her infant child when both are in the same casket or coffin;
 - ii. In a double depth grave which will accommodate two bodies in separate caskets at the same time or different time in such a manner that one casket is placed immediately above the other and purchased specifically for this purpose on the opening for the first casket. There shall be a minimum of three (3) feet of earth placed over the upper casket.
 - iii. Cremated remains up to a maximum of six (6) containers per adult plot. There must be a minimum of one and one-half (1.5) feet of earth placed over each container.
 - iv. For the interment of stillborn bodies in a communal grave. There must be a minimum of one (1) foot of soil between remains buried, with at least three (3) feet of soil over the uppermost casket.
 - l. If an applicant wishes to inter a body in a plot not owned by him, he shall obtain an order from the owner of the plot in which such interment is to be made, or from the legal representative of the owner of such plot.
18. Disinterment
 - a. Disinterment, except for re-burial in the same grave at greater depth, will not be allowed unless a Disinterment Permit has been issued in accordance with current Vital Statistics Act, and if given, such permission shall be in writing and signed by the Administrator.
 - b. No person shall disinter or remove a body from any plot without first producing a written order from the owner of such lot and a permit for such disinterment or removal in accordance with the current Cemeteries Act.

- c. In case of disinterment for re-interment in another plot in the said cemetery, the excavations shall be made by an authorized grave digger under the direction of the Administrator and the charges for such work will be twice the regular interment charge plus an additional administrative fee as set out in Appendix "A" to compensate for the changing of records and extra work required.
- d. In case of disinterment of a grave in the cemetery for re-interment in another cemetery, the excavation shall be made by an authorized grave digger under the direction of the Administrator and the charge for such work shall be the same as for the interment plus an additional administrative fee as set out in Appendix "A" to compensate for the work of changing the records.
- e. Whenever a plot becomes vacant by the removal of the body or bodies therein, the land shall revert to the Town, provided that where the owner thereof becomes a purchaser of another plot the original price paid for the plot shall be allowed in part payment.

Monuments

The Owner of each plot shall have the right to erect thereon a monument or headstone subject to permission and written approval being first obtained from the Town Office as noted in Schedule "D". To obtain permission, a sketch of the proposed tombstone, monument or grave marker outlining the height, size of base and inscription must be presented.

No Owner may erect upon any plot any monument while any charges in connection therewith are due and owing to the Town.

Numbers of Monuments per Plot

Only one monument will be allowed on each burial plot.

Type and Size of Monuments

- a. No monuments, tablets, cross, plaque, base cap or structure shall be placed on the plot other than on the concrete base located at the head of the plot. The said base shall be constructed by the Town.
 - b. All monuments must be of granite, marble or limestone bronze. No monuments, tombstones or covers shall be constructed of concrete material unless same is professionally finished and adequately reinforced and approved by the Administrator. No monument or cover shall be constructed of plastic or fibre glass material.
 - c. Maximum height of any monument shall be thirty-six (36) inches.
 - d. Full length grave covers shall not be allowed. Existing covers may be removed at the request of the Owner (Schedule "E" – Application for Removal of Grave Cover) Applicable fees shall apply in accordance with the Town of Falher Fee Policy. The Administrator may also request the removal of any damaged grave cover(s) at the Owner's expense.
 - e. Temporary marker from the funeral home may be placed at the head of a plot. Such marker must be removed once a permanent monument has been erected or at the discretion of the Administrator.
- 19. Owners will be held responsible for removal of all earth or masonry litter accumulated in improving any plot; such materials to be removed as directed by the Administrator.
 - 20. All heavy material must be placed at the location of the plot and transported over grass walks on planks.
 - 21. Should any tombstone, monument or other structure placed or erected in the cemetery be in a state of disrepair, the Town may, after notice in writing to The Owner at his last known address, have said structure removed from the cemetery, if said owner does not have the repair made in accordance with the said notice.
 - 22. The Town will not be responsible for any damage which may be caused in any way whatsoever to any improvement or memorial designs placed in the cemetery.

Maintenance of Plots and Cemetery

23. The Owner of each plot shall have the right to improve his plot at his convenience subject to the provisions of this bylaw and subsequent regulations.
24. To ensure neatness, and to preserve the beauty of the cemetery, the Administrator shall have supervision of:
 - a. wreaths, flowers and other removable mementos and objects placed upon graves and plots and any stand, holder or receptacle for these items, and should it, in the opinion of the Administrator, become necessary or desirable to remove same from the cemetery, the Administrator shall be empowered to do so. If the article be the property of an Owner and the Administrator considers the article to have any value, he shall notify the Owner where possible, giving such Owner the right within twenty-eight (28) days to call for and take the same away, and after lapse of thirty (30) days from mailing such notice, the Administrator is empowered to destroy same.
25. No shrubs, trees or flowers may be planted in any part of the cemetery other than those planted by the Town in the areas reserved for such planting.
26. Any person who:
 - a. willfully destroys, mutilates, writes on, defaces, injures, or removes any monument, tombstone or marker, or any structure, vehicle, building, machinery, tool, equipment, or any material placed or left in the said cemetery, or any railing, fence, or other work for the protection, maintenance or ornamentation of the cemetery, or burial plot, or
 - b. willfully destroys, cuts, picks, breaks or injures any tree, shrub or plant in the said cemetery, or
 - c. willfully plays any game or sport, or
 - d. willfully discharges or carries a firearm except firearms at a military funeral, or
 - e. willfully or unlawfully disturbs persons assembled for the purpose of burying a body in the said cemetery, or
 - f. willfully commits a nuisance, or
 - g. at any time behaves in an indecent or unseemly manner in the said cemetery,

is guilty of an offence and is liable to a fine of not more than Five Hundred dollars (\$500.00) and in default of payment to imprisonment for not more than 60 days, and subject to cost of damages.

27. No person shall turn loose, ride or allow to go at large any animal in the said cemetery.
28. No person shall be permitted to drive a vehicle or conveyance within the said cemetery at a speed greater than fifteen kilometers per hour, nor elsewhere than upon the roadways provided for vehicular traffic. The Administrator shall have the authority to prohibit the entrance of vehicles into the cemetery when roads are unfit for travel. The owner of any moving vehicle shall be responsible for any damage done by such vehicle within the boundaries of the cemetery.
29. The Town shall have the right to prohibit the entry of any person or persons who do not have related business at the cemetery.

Miscellaneous

30. No person shall disturb the quiet and good order of a cemetery by noise or any other improper conduct.
31. All persons are prohibited from walking on plots, picking flowers, plants or shrubs.
32. Workmen shall cease work when a burial is taking place in the cemetery.

- 33. No recreational vehicles (i.e. bikes, motorbikes, all-terrain vehicles, snowmobiles) will be allowed to enter the cemetery.
- 34. No animals shall be buried within the cemetery.
- 35. Council may reserve from use any portion of the cemetery which in their opinion is undesirable for use because of locations or contour.

Interpretations and Amendments:

- 36. Any matters not dealt with in the bylaw nor in Appendices attached hereto and made part of the bylaw, shall be dealt with by the Administrator in the manner that he deems most appropriate, having consideration for the appearance of the cemetery, and the scope and intent of this bylaw.
- 37. Bylaw No. 96-02 and 01-02 are hereby repealed
- 38. This bylaw shall take effect on the date of the third and final reading.

READ a first time this _____ day of _____, 2020

READ a second time this _____ day of _____, 2020

READ a third time and finally passed this _____ day of _____, 2020

MAYOR

MUNICIPAL ADMINISTRATOR

**TOWN OF FALHER CEMETERY BYLAW
APPENDIX A
SCHEDULE OF FEES AND CHARGES**

ITEM	PLOT (1)	PERPETUAL CARE	ADMIN FEE	TOTAL
<u>Plots</u>				
Regular Plot	\$200.00	\$400.00		\$600.00
Cremation	\$200.00	\$400.00		\$600.00
Interment of Cremated Remains on Occupied Plot	\$100.00			\$100.00
<u>Columbarium</u>				
Niche (2 urns)	\$1200.00			\$1200.00
Plaque Engraving	\$600.00			\$600.00
Memory Wall	\$350.00			\$350.00
Opening of Niche after hours				in accordance with current Fee Policy
Disinterment			\$35.00	\$35.00
Transfer of Ownership			\$35.00	\$35.00

NOTES:

- (1) Plot price includes administration
- (2) G.S.T. not included in above prices
- (3) Perpetual care is payable at time of death

Appendix B

Appendix C

Appendix D

Appendix E