

Village of Clive
BY-LAW #466-05

CEMETERY BY-LAW

Being a By-law of the Village of Clive, in the Province of Alberta, pursuant to the provisions of the **Municipal Cemeteries Act** to provide for the control and regulation of the Clive Cemetery.

NOW THEREFORE, the Municipal Council of the Village of Clive enacts as follows:

1. DEFINITIONS:

1.1 In this By-law, unless the context otherwise requires:

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| Cemetery | means the Clive Cemetery which is owned and operated by and under the control of the Village. |
| Flowering Ornamental | means any perennial, annual or bi-annual flowering plant. |
| Grave | means a plot used as a place of burial. |
| Grave Cover | means any covering other than earth and grass that covers the grave opening. |
| Liner | means a concrete burial receptacle placed in the ground in a cemetery designed and built to support the weight of the earth and standard cemetery maintenance equipment and to prevent the grave from collapsing. |
| Monument | means any structure in the cemetery erected or constructed on any grave or plot for memorial purposes. |
| Municipal Administrator | means the Municipal Administrator of the Village of Clive. |
| Perpetual Care | means the preservation, improvement, embellishment and maintenance in perpetuity and in a proper manner of grave stones, grave markers, monuments, plots or other space in the cemetery. |
| Plot | means a lot used for a place of burial as shown on a plan on record in the Village Office. |
| Reserved Plot | means a plot which is to be reserved for future burial. |
| Resident | means a person who has resided within the Village immediately preceding their death or their application to purchase a plot. |
| Vault | means a concrete receptacle which performs all the functions of the concrete grave liner and in addition is hermetically sealed. |
| Village | means the Village of Clive. |
| Woody Ornamental | means any trees, shrubs, creepers and climbers. |
| Working Hours | means regular hours of work (8:30 am to 4:30 pm) Monday through Thursday and (8:30 am to 3:30 pm) on Fridays, excluding declared or statutory holidays. |

2. DUTIES, RIGHTS & POWERS OF THE MUNICIPAL ADMINISTRATOR:

- 2.1 The Municipal Administrator may grant to anyone all powers of the By-law.
- 2.2 The Municipal Administrator shall have charge of the cemetery and shall exercise control over all personnel employed therein.
- 2.3 It shall be the duty of the Municipal Administrator to have plots available for the burial of human remains at all times.
- 2.4 All individual plots hereafter surveyed, shall have dimensions of 4' x 12'.
- 2.5 The Municipal Administrator shall have the authority to have any weeds, grass, funeral designs or floral pieces which may become wilted, or any other article or thing which is in their opinion unsightly removed from the plot site.
- 2.6 If, in the opinion of the Municipal Administrator, any existing woody ornamental situated on or about the cemetery shall become by means of their roots, branches or in any other way detrimental to adjacent plots, walks or driveways, prejudicial to the general appearance to the grounds or dangerous or inconvenient to the public, the Municipal Administrator shall have the right to remove such woody ornamentals or any parts thereof.
- 2.7 The Municipal Administrator shall have the right to remove fences, borders, railings, walls, copings and other enclosures as they may deem advisable after thirty (30) days notice to the owners or relatives of the plot, or publish in a locally circulated newspaper if the relatives are unknown.
- 2.8 The Municipal Administrator shall have the right to remove or order repair of any grave cover that is unsightly, sunken or cracked which is now in existence as the Municipal Administrator may deem advisable.
- 2.9 No person shall disturb the quiet or good order of the cemetery by improper noise, conduct or otherwise.
 - a). A member of Lacombe County Enforcement, a member of the R.C.M.P., or other authorized person from time to time in charge of the cemetery, may evict therefrom, using such force as is reasonably necessary, or deny entrance to any person who contravenes paragraph “2.9” hereof.

3. PLOTS:

- 3.1 The plan of subdivision of the lands made available by the Village for burial purposes now on record in the Village Office together with all subsequent plans of subdivision of such lands approved by the Council of the Village of Clive, shall be the plans of the cemetery herein referred to and all interment shall be made and records kept by the Municipal Administrator in accordance with such plans. Such plans shall be available for inspection at the Village Office during normal office hours.
- 3.2 The Municipal Administrator shall supervise all sales of plots and interments in the cemetery.
- 3.3 The Municipal Administrator shall make all sales and shall receive all monies therefrom and for all interments made in the cemetery.

- 3.4 The Municipal Administrator shall upon payment by any person to the Municipal Administrator 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.
- 3.5 Plots in the cemetery shall be sold by the Village upon the purchaser paying in advance the amounts set from time to time by resolution of the Council of the Village of Clive.
 - a). Any funds received by the Village for perpetual care shall be used to offset the maintenance of the Clive Cemetery.
- 3.6 Plots shall not be resold to any other party, however plots may be transferred to another immediate family member, but no transfer shall be valid unless such transfer is duly registered in writing with the Municipal Administrator of the Village.
- 3.7 Notwithstanding subsection 6 of this section, the owner of a plot(s) may transfer same back to the Village and shall be entitled to the refund of the original purchase price.
- 3.8 Whenever a plot is held by two or more persons, an order for interment in such a plot or any part thereof will be accepted by the Municipal Administrator from any one of the said persons or their legal representative.
- 3.9 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 he exercises any power or control.
- 3.10 Plots shall not be used for any purpose other than burial grounds for human bodies and the cremated remains of human bodies.

4. BURIALS:

- 4.1 No burial shall be permitted in the cemetery unless all applications for burial are made to the Municipal Administrator at least 24 working hours before the time of interment. In the case of a weekend or holiday burial, 48 hours notice must be given.
 - a). No burial shall be permitted in the cemetery without a proper burial permit.
- 4.2 All burials within the limits of the cemetery shall be under the supervision and control of the Municipal Administrator.
 - a). Graves shall be dug and interments made only by persons approved and supervised by the Municipal Administrator and under direction of the Village Foreman.
 - b). No person or persons not under control or supervision of the Municipal Administrator shall open any grave for the purpose of interring or removing a body.
 - i). No person shall open any grave for the purpose of interring a body unless prior approval has been received by the Municipal Administrator.

- c). By order of the Municipal Administrator the Village of Clive shall furnish graves in the cemetery without charge for indigent or destitute persons.
- d). By order of the Municipal Administrator the Village of Clive shall furnish a grave without charge for the unclaimed body of a deceased person.

4.3 Liners or Vaults are required for all burials, except cremated remains.

- a). Cost of liners or vaults shall be the responsibility of the next of kin.
 - i). The Village of Clive shall not accept responsibility for the installation of either a liner or vault, or the costs incurred for such liner or vault.
- b). Only one coffin containing human remains may be allowed in any one plot.
- c). Any grave for the burial of a deceased person must be six feet in depth from the surface of the ground surrounding the grave.
- d). Two cremated remains may be placed at the head of any grave already occupied at a depth of not less than two feet.
 - i). A maximum of two cremated remains are allowed in any one plot.
- e). Any grave for the burial of cremated remains shall be at a depth of not less than two feet from the surface of the ground surrounding the grave.

4.4 Cost of opening and closing any grave shall be the responsibility of the next of kin or whoever is responsible for the interment.

- a). The Village of Clive shall not accept responsibility for the opening or closing of any grave or any costs incurred.

4.5 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 Municipal Administrator.

4.6 All work in the cemetery shall be discontinued during a burial service.

5. MONUMENTS:

5.1 All persons employed in the construction and erection of monuments or doing other work in the cemetery shall be subject to the direction of the Municipal Administrator.

5.2 No monument shall be placed in the Clive Cemetery without first consulting with the Municipal Administrator.

- a). The placement of monuments must comply with the following requirements:
 - i). A concrete base extending six (6) inches on each side of the monument not less than six (6) inches in depth and being at the level of the grounds adjoining the grave plot.
 - ii). The monument must be placed on the portion of the plot undisturbed by excavation and must be in line with other monuments in that section of the cemetery.
 - iii). Monuments shall be constructed of stone, such type of stone having a high resistance to weathering and erosion. Monuments may not be constructed in concrete.

iv). Inscription on the monument shall be of sufficient depth and quality so as to be legible for a great length of time. Metal plates which oxidate and deteriorate will not be permitted.

v). Upright monuments will be allowed in all portions of the cemetery.

Upright monuments must not exceed the following dimensions:

Height 40 inches

Depth 18 inches

Length 72 inches

vi). Each monument shall be in keeping with the appearance of other monuments in the section and with the characteristics of the cemetery. The Municipal Administrator may refuse the placement of any monument which may otherwise conform with these regulations should it be determined that the proposed monument is not appropriate for placement in the Clive Cemetery.

5.3 All grave sites shall have a monument or permanent marker in place within two (2) years.

5.4 No monuments shall be erected on Saturdays, Sundays or holidays unless prior permission has been received from the Municipal Administrator.

5.5 All foundations for erecting of monuments shall be level, be flush with the ground and be made of concrete. All persons erecting monuments shall insure that such monuments are firmly secured to the foundation and that the foundation is adequate to carry the monument.

5.6 All persons erecting monuments shall insure that the surrounding areas are left in the same condition as found.

5.7 No work shall be done on any monument nor shall any monument be removed from any grave or plot without permission from the Municipal Administrator.

5.8 Stone, marble or fiberglass covers over graves are prohibited except where one presently exists in which case the family may install a cover to match an existing one, upon written permission from the Municipal Administrator.

5.9 No monuments shall be erected from November 1 of any year until the end of April following.

6. VISITORS:

6.1 No person shall enter or remain in the cemetery between the hours of 9:00 pm and 7:00 am of the day following.

7. VEHICLES IN THE CEMETERY:

7.1 No vehicles shall be permitted beyond the cemetery gate except during a burial or for the purpose of carrying out monument installation, or for repair or maintenance.

7.2 No person shall drive a vehicle through the cemetery at a speed greater than 15 kilometers per hour.

7.3 The Municipal Administrator may prohibit the driving of vehicles in any part of the cemetery.

- 7.4. The Municipal Administrator may prohibit the driving of any vehicle in the cemetery when the roads are in an unfit condition.
- 7.5. The owner of any moving vehicle shall be responsible for any damage done by such vehicle while it is within the boundaries of the cemetery.
- 7.6. No bicycle, motorcycle or horse shall be allowed in the cemetery except when it is part of a funeral procession and prior authorization has been received from the Municipal Administrator.

8. GENERAL:

- 8.1 No employee of the Village shall accept a bribe or gratuity for services rendered or to be rendered in the cemetery.
- 8.2 Any organization wishing to hold a memorial service shall give the Municipal Administrator at least 14 days notice in writing of their intention to do so.
- 8.3 Unless permission has been obtained from the Municipal Administrator, no person shall remove, destroy, prune or otherwise interfere with any woody or flowering ornamental in the cemetery.
- 8.4 All woody ornamentals shall be planted only by employees of the Village under direction of the Municipal Administrator.
- 8.5 No type of grave covers, fences, borders, railings, walls, copings and other enclosures shall be permitted to be installed except for matching purposes (where there is already one in place for a husband or wife, upon written permission from the Municipal Administrator).
 - a). No type of grave covers, fences, borders, railings, walls, copings and other enclosures shall be replaced if the original is removed.
- 8.6 No person shall destroy, damage, deface or write upon any monument, or other structure or object in the cemetery.
- 8.7 No person shall deposit any paper, sticks or refuse of any kind on any portion of the lands within the boundaries of the cemetery.
- 8.8 No person shall remove the sod in graves or from any portion of any plot in the cemetery without first obtaining written permission from the Municipal Administrator.
- 8.9 Benches of a style approved by the Municipal Administrator may be permitted in the cemetery under such conditions as the Municipal Administrator may order.
- 8.10 The tops of plots or graves shall be kept level with the surrounding ground.
- 8.11 No animal shall be allowed in the cemetery unless such animal is on a leash and is accompanied by an adult person.

9. PROVISIONS FOR RULES AND REGULATIONS:

- 9.1 The Municipal Administrator may make rules and regulations not inconsistent with this By-law and for the efficient management, control and regulation of the cemetery.
- 9.2 The Municipal Administrator shall determine the policy respecting the sale of plots and the location and extent of all plots offered for sale to the public.

10. PENALTY:

- 10.1 Any person who commits a breach of any provisions of this By-law shall on conviction for such breach, be liable to a penalty not exceeding five hundred (\$500.00) dollars exclusive of costs or in the case of non payment of the fine and cost imprisonment for any period not exceeding 120 days.
- 10.2 The Village will pay a reward of one hundred (\$100.00) dollars to any person for information that will lead to the conviction of any person committing a breach of this By-law.

11. SEVERABILITY:

- 11.1 Should any part of this By-law be found to have been improperly enacted for any reason, then such part shall be regarded as being severable from the rest of the By-law and the By-law remaining after such severance shall be effective and enforceable as if the section found to be improperly enacted had not been enacted as part of this By-law.

This By-law shall take effect on the final passing thereof.

READ a first time this 12th day of September, 2005.

READ a second time this 26th day of September, 2005.

READ a third and final time this 11th day of October, 2005.

Mayor

Municipal Administrator

SCHEDULE 'A'

CEMETERY RATES & FEES

Plot Sales

Single Plot \$200.00

Burials:

1). Interments and all costs are the responsibility of the next of kin or funeral home.

Cremations:

1). Site preparation by the Village of Clive for cremated remains:

\$100.00