

**VILLAGE OF ROCKYFORD
BYLAW 2013-004**

BEING A BYLAW OF THE VILLAGE OF ROCKYFORD IN THE PROVINCE OF ALBERTA TO PROVIDE FOR THE CONTROL, AND MANAGEMENT OF THE ROCKYFORD UNION CEMETERY

WHEREAS the Municipal Government Act Chapter M-26 RSA 2000 and amendments thereto and the Cemeteries Act C-3 RSA 2000 and amendments thereto, provide Council with the authority to regulate and manage the Rockyford Union Cemetery.

AND WHEREAS it is deemed expedient to pass a bylaw to establish regulations for the maintenance, operation and control of the Rockyford Union Cemetery.

NOW THEREFORE the Municipality of the Village of Rockyford, in Council duly assembled, hereby enacts as follows:

1. NAME OF THE BYLAW

- a. This bylaw may be cited the Village of Rockyford Union Cemetery Bylaw.

2. DEFINITIONS

- a. Act shall mean the cemeteries Act, being Chapter C-3, RSA 2000 as amended from time to time and regulations made pursuant to Section 65 of the Act.
- b. CAO shall mean the Chief Administrative Officer of the Village of Rockyford.
- c. Caretaker means the body or organization placed in charge of the cemetery.
- d. Cemetery shall mean the following lands hereby declared to be Village of Rockyford cemetery and shall hereafter be know as:
- I. Rockyford Union Cemetery
Part of Sw 1/4 Section 28, Township 26 Range 23, W4M
- e. Columbarium shall mean an above ground structure containing compartments called a niche for interring cremated remains.
- f. Concrete Runner shall mean the concrete structure placed at the head or foot of the plot or lot used for the placement of monuments and foundations.
- g. Contractor means an individual or company hired by the caretaker or Owner to carry out work within a cemetery.
- h. Council shall mean the council of the Village of Rockyford.
- i. Village shall mean the municipality of the Village of Rockyford
- j. Flowering Ornamental shall mean any perennial, annual and biannual flowering plant.
- k. Grave shall mean a plot used as a place of burial.
- l. Indigent Person shall mean a needy or poor person.
- m. Licensee means a person, firm or corporation that acquires burial privileges for one or more lots with fee simple to the property remaining in the Village.
- n. Lot shall mean a single grave or a niche in a columbarium for the purpose of internment in the cemetery.
- o. Memorial Tablet means a lot or plot marker, made of granite or bronze, with a flat and level surface placed on any lot or plot, level with the surrounding ground.
- p. Monument means a memorial permanently constructed to extend above the surface of the concrete runner, surface of the ground, or is level with the ground.
- q. Niche means the single compartment within a columbarium designed for storing the ashes of human remains that have been cremated.
- r. Niche Cover means a door or plate that is used to open/close a Niche.
- s. Owner means the person to which the cemetery deed was issued.
- t. Plot means three or more lots as shown on a plan on record within the Rockyford Union Cemetery.
- u. Permit shall mean a prescribed form by the Village of Rockyford for application to carry out any work in the Cemetery.
- v. Perpetual Care for the purposes of this Bylaw shall mean basic maintenance of all lots, plots and niches and shall include leveling of the ground, seeding and cutting of grass, controlling weeds and unwanted vegetation, care of shrubs, trees,

walkways, structures, fencing or gates installed by Village of Rockyford. Village of Rockyford shall not provide perpetual care for lot site installations including monuments, memorial tables, niches, borders, or ground covers.

- w. Rubbish means boxes, paper, weeds, decaying flowers or plants, faded wreathes, broken receptacles and any other material the presence of which results in an untidy appearance to any part of the grounds of the Cemetery.

3. **GENERAL**

The CAO and/or designate shall have the sole control of all matters with the Cemetery and to that end is hereby authorized to regulate and control the cemetery grounds in accordance with Schedule "A" and Schedule "B" to this Bylaw containing such regulations

Village of Rockyford, or its assigned part, is the sole provider of general care services of the Cemetery. The licensee of the Lot shall observe all rules and regulations passed time to time by the Village of Rockyford for keeping lots in order.

Village of Rockyford Union Cemetery shall be open to vehicle and foot traffic from 7:00 a.m. to 11:00 p.m. No person or vehicle is permitted to be in the cemetery outside of these hours.

The Village and/or caretaker shall have authority to control rodents, remove any weeds or grass, funeral designs or floral pieces which may become unsightly, dangerous, detrimental, wilted, or any other rubbish, which is in its opinion, unsightly.

No person, while in the cemetery shall:

- a. Throw rubbish upon the roads, walks or anywhere within the cemetery grounds.
- b. Place or erect upon a lot or a plot any plant, fence, border railing, wall, stone, hedge or other enclosure.
- c. Allow any cattle, swine, horses, dogs, pets, or any other animal to run at large in the Cemetery. Signs will be placed at the entrance of the cemetery accordingly.
- d. Destroy, damage, deface or write upon or remove any monument, table or other structure or object in the cemetery, or any fence, railing or wood installed for protection or ornamentation.
- e. Make any walk; cut any sod, or move corner posts or grave markers in any cemetery.
- f. Willfully destroy, cut, break, pick or injure any tree, shrub or plant.
- g. Play at any game or sport or discharge any firearm except at a military funeral.
- h. Drive a vehicle at a speed in excess of (15) km per hour. Signs placed at the entrance accordingly.
- i. Place on any lot or plot a chair, a wooden or wired trellis, a wooden or wired cross or articles or cellophane within the grounds of the Cemetery. The Village and/or Caretaker will remove such articles and dispose of them as necessary to maintain the integrity of the cemetery.
- j. Use soil sterilants or products that control all vegetation leaving soil unprotected and exposed to wind or water erosion.
- k. Disturb the quiet or good order of the Cemetery by improper noise, improper conduct or otherwise. An eviction may be made using such force as is reasonable necessary, or deny entrance to any person who contravenes this bylaw.

If, in the opinion of the Village and/or caretaker any woody ornamental situated on or about the cemetery shall become, by means of their roots or branches, prejudicial to the general appearance to the grounds or dangerous to inconvenient to the public, the Village or caretaker shall have the right to remove such woody ornamentals, or any parts thereof.

The Village and/or Caretaker shall have the right to remove fences, borders, railing, walls, hedges and other enclosures now in existence as it may deem advisable after thirty (30) days notice of the intention to do so has been given to the owner of the lot or plot, or to his relatives if the owner is deceased. If relatives of the deceased are unknown or are non responsive to the notice a public notice shall be placed in the Village of Rockyford newspaper of record.

Persons shall show due respect at all times when on cemetery property. The Village of Rockyford expressly disclaims liability for any injuries sustained by anyone violating this provision.

The Village of Rockyford and/or caretaker may construct, erect, place or cause to be construed erected or placed, or allow to be constructed, erect or placed in the Rockyford Union cemetery:

- a. A Columbarium for the placement of cremated remains;
- b. Benches, seating, walkways and lane ways; and
- c. Such other structure, developments and improvements deemed necessary for the proper operation of the Cemetery.

No licensee shall change the grade of any lot, the Village and/or Caretaker is authorized to restore to its original grade the expense of the owner, any lot that is altered in grade contrary to the provisions of this bylaw.

While the Village and/or Caretaker will take all reasonable precautions to protect the property of licensees, the Village and/or Caretaker assumes no liability nor responsibility for any loss of or damage to any monument, memorial tablet, niche cover, or part thereof, or any article of any type that may be placed on the lot, plot or niche.

The Village reserves the right to alter its general regulations from time to time. A Licensee, who deems that he is adversely affected there, shall have a right of appeal to Village of Rockyford Council.

All grading, landscaping, seeding of grass, and controlling rodents, weeds or vegetation for purposes of cemetery maintenance shall be the responsibility of the Village and/or Caretaker as prescribed by the Agreement for Perpetual Care of the Cemetery in Clause 7.

4. SALE AND TRANSFER OF LOTS, PLOTS, AND NICHE

Burial lots, plots and columbarium niches are available for purchase from the Village of Rockyford in the said Rockyford Union Cemetery upon payment of the property charge thereof. Fees and charges shall be those appearing as Schedule "A" to this Bylaw, as amended from time to time.

Deeded lots will be conveyed by the Village to the licensee on the form adopted by it, and such cemetery deed will be subject to the Bylaws of the Village and the Rules and Regulations appearing in this Bylaw. The person acquiring lots, plots or niches under the provisions of this Bylaw shall only acquire the right and privilege of burial of the deceased therein subject to the provisions of this Bylaw and shall not be deemed to acquire any title to the land which shall remain vested in Village of Rockyford.

If for any reason, the Village of Rockyford deems a previously purchased lot, plot or niche unusable, the Village of Rockyford will supply a similar lot, plot or niche at no cost to the original purchaser or heirs and the original lot, plot or niche shall revert to Village of Rockyford.

No person shall make a reservation for one or more lots, plots and/or niches without making payment in full at the time of the reservation.

The cemetery deed that recognizes the purchase of a lot and/or niche cannot be resold except to the Village of Rockyford, in which case the offer must be in writing. The Village of Rockyford shall refund an amount representing at least 40% of the market value of the lot or plot/niche at the date of the buy back. Notwithstanding the provisions of this section, members of the same family may transfer their deed for a lot or plot to each other provided that the request is made in writing to the Village of Rockyford.

The cemetery survey, plans and interment records of each lot, plot and niche are housed and maintained in the Village of Rockyford Administration Office. Records and plans of each lot, plot and niche in the cemeteries shall be shown numbered on such plans. Records shall show the owner of each lot, plot and niche together with all other information required pursuant to the Cemeteries Act (Alberta) and regulation passed thereunder. Such records shall be available for inspection by:

- a. A Police Officer carrying out law enforcement duties; or
- b. A relative of a deceased person whose Internment is listed in the records.

The Village of Rockyford may divide the Cemeteries into areas and may reserve any such areas in the Cemeteries:

- a. The interment of the remains of persons belonging to a specified religious denomination;
- b. The interment of the remains of persons who at any time were with or were attached to, the Naval, Army or Air Forces of Her Majesty or a power allied or associated with Her Majesty;
- c. The interment of the remains of homeless, unidentified persons, indigent persons or unclaimed bodies;

A surveyor, approved by the Village of Rockyford, shall determine the location of all lots, plots and niches that are to be sold. Surveying to take place prior to excavation of said Grave. Cost of the survey is to be paid for by the purchaser.

No lots shall be further subdivided or alter in any manner at variance with the cemetery plans, unless authorized by Village of Rockyford.

Village of Rockyford or any of its employees shall not be responsible for any mistake resulting from lack of precise or proper instructions regarding the Grave space in a lot or plot where an interment is to be or has been made for any damage resulting to any person thereby.

Village of Rockyford will accept no responsibility for any unauthorized excavation upon any lot unless it is undertaken following prior consultation with the Village of Rockyford.

5. **INTERMENTS AND DISINTERMENTS**

No person shall personally or by agent undertake an interment in any burial lot or niche unless and until they have produced to the Village of Rockyford for the Rockyford Union Cemetery, the following:

- a. Burial permit issued by the proper officer of the Government of the Province of Alberta.
- b. Application for permission to inter a body. The application form to be completed and signed (Schedule "B")
- c. The full permit fee for the lot, plot or niche must be received by the Village of Rockyford.

All applications for burials should be made at least two business day (48 hours) before the time for interment.

Village of Rockyford assumes no liability or responsibility for any interments.

Lots and Niches shall be opened and closed only by the persons in charge of the interment. Plots and/or lots must be closed within 24 hours.

Remains shall not be disinterred or removed from the cemeteries for any purpose unless a Licensed Funeral Director is in charge, the Medical Examiner has been notified, and a disinterment permit has been issued by the Director of Vital Statistics. Disinterment fees are set out in Schedule "A". Nothing in this Section or Bylaw restricts cremated remains being disinterred from the columbarium or cremation lot, by application to Village of Rockyford on the approved form.

The depth of burial from the surface surrounding ground shall be 1.83m (six feet) for an adult and 1.21m(four feet) for an infant with the exception of cremated remains.

A grave lot shall be not less than 1.2 meters in width and 2.8 meters in length, except in those sections intended exclusively for the burial of bodies of children and of urns containing cremated remains.

Village of Rockyford will allow up to four (4) cremation Interments in a preoccupied casket lot. Cremation lots must be a minimum depth of 610 mm (24 inches).

Village of Rockyford will allow up to 16 (sixteen) cremation Interments in a single plot that contains 4 casket lots. If one of the casket plots within a plot is purchased for cremation Interments, after one completed Interment the casket lot shall remain as a cremation lot only.

Whenever a lot, plot or niche is held jointly by two or more parties, authority for interment in such lot, plot or niche or any part thereof will be accepted by Village of Rockyford from anyone of the said parties or their executors or agents with all parties in agreement.

Every licensee obtaining a lot or plots in the cemetery shall be responsible for the cost thereof and for all charges including surveying of the grave site before excavation and in connection therewith, including disinterment or removal of a body when applicable. Any person signing an order for interment will be responsible for all charges in connection with such interment. Such person shall, in addition, be responsible for all charges in connection with such interment. Such person shall, in addition, be responsible for compliance with the government regulations of monuments applicable to that part of the Cemetery in which the interment is made.

No columbarium niche shall contain more than two (2) cremated remains.

6. **MONUMENTS, MEMORIAL TABLES, NICHEs, PLOT AND LOT CARE AND SITE INSTALLATION**

All work carried out at Village of Rockyford Union Cemetery requires authorization from the Village of Rockyford.

No person shall install, erect or place within the cemeteries, any monument, marker or structure without first obtaining written approval from the Village of Rockyford.

No person shall erect upon a lot or plot any grave cover of any material on lots or plots previously sold after the final passing of this bylaw.

Any construction or planting at the cemetery in existence before the passing of this Bylaw, may at the discretion of Village of Rockyford, be removed free of charge by Village of Rockyford upon request of the licensee or may be removed by Village of Rockyford from time-to-time, if by reason of neglect or age, they become in a state of disrepair. No monuments will be permitted that are manufactured of cement artificial stone, wood, metal, plastics, glass, tin, iron or combination thereof without expressed written consent from the CAO.

No person shall place or deposit any glass-encased wreath, stand, holder, vase, or other receptacle for flowers or plants, or any flower pots, jars, bottles, iron or wire work or any ornaments or construction of any kind which is not approved by Village of Rockyford and/or Caretaker.

All monuments are to be placed at the head or foot of the lot or plot and shall be installed by the Monument company hired by the purchaser, with a base or pilings, in accordance with the dimension outlined in Schedule "A".

All graves must be marked with a permanent marker

- a. In regard to any Monument, Foundation, or Memorial Tablet installation, arrangements must be made with CAO or Designate, three (3) business days in advance.

Memorial Tablets for multiple burials of 4 (four) cremated remains in a pre-occupied plot (casket) with an existing Monument/Memorial Table, the Memorial Tables shall be placed above each cremated remain interment. The size of individual Memorial Table for this application shall be as set for in Schedule "A".

Only flat Monument Tables may be place in respect in interred cremated remains on existing grave sites that must remain equal with the surface of the ground and be consistent with Schedule "A".

The purchase of a niche includes the supply of granite niche cover. At the expense of the Owner, the niche cover can be etched with lettering and pictures.

No lot or plot shall be covered by any slab of concrete, stone or other similar material. The lot or plot will be sown to grass by Village of Rockyford and kept level with the surroundings.

Every monument shall be erected according to the provisions of the bylaw and under the direction of the CAO or designate.

All persons employed in the construction and erection of monuments or doing other works in the cemeteries, whether employed by Village of Rockyford or not, shall be subject to the direction and control of the Village of Rockyford CAO or designate.

Where the owner of a monument neglects to make the required repairs or alterations to a monument within thirty (30) days after receiving notice from the Village to do so, the Village upon consultation with the Caretaker, shall have the power to repair such monument and charge the cost thereof to the owner which may be recovered as a debt from the owner to the Village.

Monuments are placed in the Cemetery at the Owner's risk. Village of Rockyford shall not be held responsible for any damage, destruction or defacement to any Monument, Memorial Tablet, and Niche Cover, grave or other structure or object in the Cemetery except for damages resulting during the performance of its normal duties.

7. PERPETUAL CARE

Perpetual care, for the purposes of this Bylaw, is defined in Section 2.

Village of Rockyford shall not provide perpetual care for lot site installations including monuments, memorial tables, niches, borders, or ground covers.

Funds received from the sale of lots, plots and niches shall be placed into separate Perpetual Care Funds for the Village of Rockyford Union Cemetery to be used by Village of Rockyford for the basic maintenance of all lots, plots and niche, in accordance with this Bylaw.

8. ENFORCEMENT

Village of Rockyford may remove all installations at the cemetery made without appropriate authorization.

All installations in the cemetery not conforming to the provisions of this bylaw the time of passing this bylaw, may be made to conform by Village of Rockyford, except where such conformity is not reasonably possible due to adjacent monuments and installations.

9. SUMMARY CONVICTIONS

Any person who violates any of the provisions of this Bylaw shall be liable of summary conviction before a Justice of the Peace having jurisdiction therein, to a penalty not exceeding \$10,000 (Ten Thousand Dollars) exclusive of costs, for breach thereof, or in case of non-payment of the fine and costs, imprisonment in the nearest common jail for any period not exceeding sixty (60) days.

Any matters not dealt with in this Bylaw nor in the Schedule "A" or Schedule "B" that are hereby made a part of this Bylaw, shall be dealt with by the Chief Administrative Officer or his designate in the manner that he deems most appropriate, having consideration for the appearance of the cemetery and the scope and intent of this Bylaw.

The Council is hereby authorized to amend Schedule "A" and Schedule "B" hereto as may be required from time to time by resolution.

11. **EFFECTIVE DATE**

This Bylaw 2013-004 comes into full force and effect upon it receiving final reading.

Read a first time this 16th day of October, 2013.

Read a second time this 16th day of October, 2013

Presented for approval for a third reading this 16th day of October, 2013

Read a third time this 16th day of October, 2013



Mayor



Administrator

SCHEDULE "A" TO BYLAW 2013-04
REGULATIONS RESPECTING CARE AND CONTROL OF VILLAGE OF
ROCKYFORD UNION CEMETERY

Removal of Memorial Wreaths

In order to preserve the proper appearance of the grounds, memorial wreaths must be removed when they become unsightly. Cemetery authorities are herein authorized to remove unsightly memorial wreaths as required.

Supervision of Wreaths, Flowers and Mementoes

To ensure neatness and to preserve the beauty of the cemetery, the Caretaker shall have supervision of wreaths, flowers and other removable mementoes and objects placed upon graves and plots and when, in his opinion, it is necessary or desirable to remove the same, he shall do so. If the Caretaker considers the article to have any value, he shall notify the lot owner, where possible, of the fact, giving such lot owner the right within 28 days to call for and take the same away; and after the lapse of 30 days from mailing such notice, or after 30 days where no notice can be given, the same may be destroyed. Wreaths, etc. must conform to the good general appearance of the cemetery.

Monuments

Memorial Tables for interred cremated remains within grave sites that have been used for an interred casket must be placed so that the surface of the Memorial Tablet is even with the surrounding soil in order to facilitate mowing.

Dimensions & Designations Regarding Monuments, Markers and Niches

All monuments must be of granite, marble, field stone or bronze.

All memorial tablets must be of granite or bronze.

All other monument or memorial tablet materials proposed to be used must be approved by the Chief Administrative Officer, or designate.

Fixtures made of glass or any other breakable materials are not allowed to be attached or affixed in any manner whatsoever, to any part of a memorial whether the memorials upright or flat. Any material that is broken and detracts from the appearance of the monument or cemetery or that poses any danger will be removed by the Caretaker. Village of Rockyford will not be responsible for any damage done to any breakable attachments.

Dimensions of Monuments and Markers:

Maximum of 1200 mm or 48 inches at width at the widest part of all blocks.

Maximum of 1200 mm or 48 inches of height.

The base of all monuments and/or foundations shall be 50 mm (two inches) larger than the monument.

Only flat Memorial Tablets may be placed in respect of interred cremated remains on existing grave sites that must remain consistent with the surface of the ground and are no more than:

Maximum of 600 mm or 24 inches at width

Maximum of 600 mm or 24 inches at the horizontal height

Rules for Monument Dealers, Contractors and Workmen:

The demeanor and behavior of all workmen employed by others upon cemetery property shall be subject to the control of the caretaker and Village of Rockyford.

Contractors, masons and stone-cutters shall be responsible for all damages that occur as a result of their respective services while on cemetery properties.

Workmen shall cease work and leave the cemetery prior to a funeral and not return until the conclusion of the service.

No monument work, including memorial tablets, shall be delivered to a cemetery until the location for placement of the monument or memorial tablet has been identified, the concrete runner or grave site prepared, and the contractor is ready to proceed with erection and/or placement.

Maintenance

Village of Rockyford, as owner of the cemetery, is responsible to keep the cemetery in the manner required by the Cemetery Regulations in good order and repair.

Village of Rockyford may enter into agreement with organizations, whether private or community run for the purposes of caring for and maintaining the grounds of the cemetery, including all interment space, structures and markers, fences, walks and entrances so as to ensure the safety of the public and preserve the dignity of the cemetery.

Fees - Plots, Lots and Niches

<u>Price per Lot/Niche</u>	<u>Fees</u>
- Lot/Niche *****	\$500.00
- Lots for the homeless, indigent, unidentified or unclaimed *****	50% of respective fee
- Veteran's Lot *****	No Charge
Disinterment *****	\$300.00 plus Costs

**SCHEDULE "B" TO BYLAW 2013-004
REGULATIONS RESPECTING CARE AND CONTROL OF ROCKYFORD UNION
CEMETERY**

Deceased Information

Name Mr. Mrs. Ms.	Family Name:	Given Name(s):
Date Of Birth (yyyy/mm/dd)	Date Of Death (yyyy/mm/dd)	

Identification of Deceased Veteran

VAC File No.	Service No.
Place of Death	Veterans Province of Residence

Next of Kin Information

Name & Relationship Mr. Mrs. Ms.	Relationship
Street Address	
City, Province, Postal Code	
Phone Number	

Interment Information

Date and Interment Time	Interment Time		
Grave Location	Section	Block	Plot
Type of Interment	Cremated Remains	Single Depth	Double Depth
Outer Receptacle	None	Plywood Box	Vault
Name of Funeral Home			
Additional Notes:			

Note: All funerals for Veterans are processed through the LAST POST FUND who administers the Veterans Affairs Canada Funeral and Burial Program.

Contact Information: Phone: 1 800 465-7113; Web site: www.lastpostfund.ca

Legal Survey, prior to interment/excavation of Grave, is at the expense of the purchaser or parties bearing the cost of burial. This Survey must be performed by the Village of Rockyford Surveyor.