

**TOWN OF BON ACCORD
BY-LAW 2014 - 08
CEMETERY BYLAW**

A BYLAW OF THE TOWN OF BON ACCORD, IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR THE CONTROL AND REGULATION OF THE TOWN OF BON ACCORD MUNICIPAL CEMETERY.

WHEREAS the Town of Bon Accord is the owner and operator of the Town of Bon Accord Municipal Cemetery; and

WHEREAS the Municipal Government Act RSA 2000, Chapter M-26 authorizes Council to pass such a Bylaw;

NOW, THEREFORE, the Council of the Town of Bon Accord duly assembled enacts as follows:

1. DEFINITIONS

- a) **“Artificial Ornaments”** means any cut flowers, silk flowers or wreaths.
- b) **“Caretaker”** means the Town employee actually working at the cemetery under the instruction and supervision of the Town Manager.
- c) **“Cemetery”** means the cemetery in the Town of Bon Accord known as the Municipal Cemetery owned and operated by and under the control of the Town and named “Bon Accord Cemetery”
- d) **“Council”** means the Council of the Town of Bon Accord.
- e) **“Family Plot”** means a plot or a number of plots which lie adjacent to one another and which are to be reserved for the burial of more than one deceased member of the family.
- f) **“Flowering Ornamental”** means any perennial, annual, and biannual flowering plan.
- g) **“Grave”** means a plot or columbarium niche used as a place of burial.
- h) **“Manager”** means the Manager for the Town, or any person acting under his or her instructions, or other persons designated by the Town of Bon Accord.
- i) **“Marker”** means a memorial which shall be flat and not exceed the surface of the ground.
- j) **“Perpetual Care”** means the basic maintenance of all plots and shall include leveling of the ground and the seeding and cutting of grass as required. It shall not include the maintenance, repair or replacement of markers.
- k) **“Plot”** means a plot as shown on a plan of subdivision on record in the Town Office.
- l) **“Public Works Department”** means the Department of Public Works, including Parks and Recreation, of the Town of Bon Accord.

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- m) **“Summer”** means May 1 to October 31.
- n) **“Town”** means the Town of Bon Accord.
- o) **“Winter”** means November 1 to April 30.
- p) **“Woody Ornamental”** means any trees, shrubs, creepers and climbers.

2. GENERAL

- a) The Manager shall have charge of the cemetery and shall exercise control over all persons employed therein.
- b) The Town shall have authority to remove any weeds, or grass, funeral designs or floral pieces which, may become wilted, or any other article or thing, which is, in its opinion, unsightly.
- c) If, in the opinion of the Town, any woody ornaments situated on or about the cemetery shall become, by means of their roots or branches, prejudicial to the general appearance to the ground or dangerous or inconvenient to the public, the Town shall have the right to remove such woody ornaments, or any parts thereof.
- d) No person shall disturb the quiet or good order of the cemetery by improper noise, improper conduct or otherwise. A member of the Royal Canadian Mounted Police, Special Constable or a representative appointed by the Town to be in charge of the cemetery may evict there from, using such force as is reasonably necessary, or deny entrance to any person who contravenes this Bylaw.
- e) Whenever the owner or family of a marker neglects to make the required repairs or alterations to a marker within thirty (30) days after receiving notice from the Town to do so, the Town shall have the power to repair such marker and charge the cost to the owner or family which may be recovered as a debt from the owner or family to the Town.
- f) No person shall turn loose or allow going at large or feed any cattle, swine, horses, dogs or any other animal in the cemetery.
- g) Any Society desiring to hold a memorial service shall give the Town at least three (3) business days notice in writing of their intention to do so.
- h) No persons shall destroy damage, deface or write upon any marker, tablet or other structure or object in any cemetery.
- i) No person shall deposit any paper, sticks, or refuse of any sort on any portion of the land within the boundaries of the cemetery except in receptacles provided for the purpose and as excepted by the Town Public Works department.
- j) All grading, seeding of grass, and sod work shall be done under the direction of the Town by employees of the Town.

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- k) Benches of a style approved by the Town may be permitted in the cemetery under such conditions as the Town may order.

3. PLOTS

- a) The plans of subdivision of the lands made available by the Town for burial purposes on record at the Town Office, together with all subsequent plans of subdivision of such lands approved by the Town, shall be the plans of the cemetery herein referred to and all interments shall be made and records kept by the Town in accordance with such plans. Copies of all such plans shall be available for inspection free of charge at the Town Office during normal office hours.
- b) The Manager shall supervise all sales of plots and interments in the cemetery.
- c) Plots in the cemetery shall be sold by the Town upon the purchaser paying in advance the amounts shown in Schedule "A" of the resolution in support of this Bylaw, and subsequent Bylaws pertaining to the Cemetery, and on completion of an application to purchase a burial deed in the form of Schedule "B". One individual may purchase a maximum of eight (8) plots at any one time.
- d) The Council may from time to time, by resolution, amend the fees and charges for plots and service shown on Schedule "A" of this Bylaw.
- e) The owner of a plot may transfer same only upon payment of the necessary fees and make the necessary application to the Town as shown on Schedule "D"
- f) No plots shall be used for any purpose other than burial grounds for human bodies, and the cremated remains of human bodies.
- g) No person other than an employee of the Town or its designate, or the owner of a plot or his agent, shall be permitted to care for any plot in the cemetery.
- h) Fences, railings, walls, cooping, hedges, woody ornaments, and flowering ornamentals in or around the plots are prohibited.
- i) The top of plots or graves shall be kept level with the surrounding ground.
- j) The purchaser(s), or its legal representative(s), of a single or family plot will have direct control over the burial access rights of said plot, unless a transfer of title is obtained per Schedule "D".

4. BURIALS

- a) Disinterment of a body or ashes shall not take place until a permit for disinterment is issued by the Provincial Director of Vital Statistics and delivered to the Town. All disinterments are to be conducted through the use of an approved contractor under the supervision of the Town.

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- b) No interment shall be permitted until a burial application and permit in the form of Schedule "B", hereto annexed, has been completed and given to the Town. Such permit shall contain the following particulars:
- Name of Deceased
 - Date and Time of Burial
 - Description of Burial Plot
 - Name of Undertaker or Person Responsible for Burial
 - Name of Applicant for Burial Permit
- c) (i) Orders for weekend and holiday burials must reach the office of the Town Manager seventy-two (72) hours, not including holiday and weekends, before the burial is to take place, unless the Town, for emergent reasons, otherwise allows.
- (ii) Additional charges in respect of burials carried out on a Saturday, Statutory holiday, a declared holiday or after 4:30 p.m. weekdays shall be in accordance with the rates as established in Schedule "A" attached hereto.
- d) The owner of a plot, or the person instructing the Town to open a grave, shall give complete and precise instructions regarding the location of the grave, and the Town shall not be responsible for any errors resulting from the lack of proper instruction.
- e) Graves shall be opened and closed and interments made only by persons authorized to do so by the Town.
- f) No grave for the burial of a deceased shall be less than five (5) feet in depth from the surface of the ground surrounding the grave.
- g) No grave for the burial of a stillborn child shall be less than five (5) feet in depth from the surface of the ground surrounding the grave.
- h) No grave for the burial of cremated remains shall be less than twenty-four (24) inches in depth from the surface of the ground surrounding the grave.
- i) Cremated remains may be interred in a plot or in the same plot with a full burial or in a plot with other cremated remains. A maximum of two (2) cremated remains may be interred in the same plot as a body. A maximum of eight (8) cremated remains may be interred in one regular plot.
- j) The full burial of a person shall not be interred in the same grave in which another full body has previously been interred.
- k) No second inurnment shall be permitted in any plot in the cemetery on which there are unpaid charges due and payable to the Town.
- l) All burials within the limits of the cemetery shall be under the supervision and control of the Town.
- m) Concrete liners or vaults are required for the burials of a body.

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5. MARKERS

- a) All markers will be flat markers (i.e. not to exceed ground surface) except in the old section (initial phase) of the cemetery grounds where pillow markers are allowed (Upright markers may be allowed upon written permission).
- b) All persons employed in the construction and erection of markers or doing other work in the cemetery shall be subject to the direction and control of the Town.
- c) No markers shall be erected in the cemetery until an application is made to the Town and a permit in the form of Schedule "C", hereto annexed, has been issued. Permit fees shall be charged in accordance with the amounts shown on Schedule "A" of this Bylaw.
- d) When cremated remains are placed in a plot where a body has been interred, flat markers shall be placed over top of the plot marking the cremated remains.
- e) When up to eight (8) cremated remains are placed in a plot, flat markers shall be placed at the top of each of the burial sites.
- f) No markers shall be erected on Saturdays, Sundays or holidays unless permission in writing has been granted by the Town.
- g) All persons erecting markers shall insure that such markers are firmly secured to a foundation.
- h) All persons erecting markers shall insure that the surrounding areas are left in the same condition as found.
- i) No work shall be done upon any marker, nor shall any marker be removed from any grave or plot without permission from the Town.
- j) No permanent marker shall be placed on any grave plot prior to the interment of human remains in such grave plot unless it is a double and one of the persons are interred in the plot or is placed so as not to interfere with future burials (eg. cremations).
- k) No grave cover is allowed in any portion of the cemetery.

6. PERPETUAL CARE

- a) A perpetual care fee will be added to the purchase price of all burial, cremation and columbarium plots. Where the plot was purchased prior to the Perpetual Care Fee coming into effect the fee will be added at the time of burial of the remains.
- b) The Cemetery Perpetual Care Reserve Fund shall be established for the future care of the cemetery once the Town establishes that the cemetery is full as determined by the Town Manager.

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- c) Interest from the Perpetual Care Fund shall be used for maintenance of the cemetery as determined by the Town.
- d) Perpetual care to be supplied by the Town shall not include the care, maintenance, upkeep, repair or replacement of any marker, which has been placed in the cemetery.
- e) Tax deductible donations will be accepted and held in the Town of Bon Accord Cemetery Perpetual Care Reserve Fund.

7. VISITORS

- a) No persons shall enter or remain in the cemetery between the hours of 11:00 p.m. of any day and 6:00 a.m. of the next day following.

8. VEHICLES IN CEMETERY

- a) No person shall drive any vehicles through the cemetery at a greater rate of speed than 10 km per hour on designated roadways.
- b) The Town may prohibit the driving of vehicles in any part of the cemetery.
- c) Unless authorized by the Town, no bicycle, motorcycle or horse shall be allowed in the cemetery except when it is a part of a funeral procession.
- d) The owner of any moving vehicle shall be responsible for any damage done by such vehicle within the boundaries of the cemetery.

9. PROVISIONS FOR RULES AND REGULATIONS

- a) The Council may make rules and regulations consistent with this bylaw for the effectual carrying out of this bylaw and for the efficient management, control and regulation of the cemetery.

10. PENALTY

- a) Any person who commits a breach of any of the provisions of this bylaw shall on conviction for such breach, be liable to a penalty not exceeding five hundred dollars (\$500.00) exclusive of costs, or in the case of non-payment of the fine and cost imposed to imprisonment for any period not exceeding sixty (60) days. This bylaw shall come into force and effect upon third and final reading thereof.

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READ A FIRST TIME THIS 18th DAY OF NOVEMBER, 2014.

Mayor Randolph Boyd

Chief Administrative Officer Vicki Zinyk

READ A SECOND TIME THIS 2nd DAY OF DECEMBER, 2014.

Mayor Randolph Boyd

Chief Administrative Officer Vicki Zinyk

READ A THIRD TIME THIS 16th DAY OF DECEMBER, 2014.

Mayor Randolph Boyd

Chief Administrative Officer Vicki Zinyk

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SCHEDULE "A"

CEMETERY FEES

Plots

	Grave	Perpetual Care Fee	Weekday Open & Close	Weekday Overtime & Weekend & Holiday Additional Charges for Open & Close
<u>Regular Plot</u>				
Summer	\$500.00	\$100.00	\$450.00	\$250.00
Winter	\$500.00	\$100.00	\$550.00	\$250.00

Cremation Plots – Family (one plot will accommodate up to 8 urns)

Summer	\$500.00	\$100.00	\$150.00/burial	\$150.00
Winter	\$500.00	\$100.00	\$250.00/burial	\$150.00

Cremation Plots – Individual (Single Burial)

Summer	\$125.00	\$25.00	\$150.00	\$150.00
Winter	\$125.00	\$25.00	\$250.00	\$150.00

Cremation Plots – Interred with previous casket (two inurnments can be made in one site where a casket is interred). Perpetual Care Fee (\$25.00/burial) may be applied per 6.a of the bylaw.

Summer	-		\$150.00	\$150.00
Winter	-		\$250.00	\$150.00

Columbaria

Single Niche

Summer	\$400.00	\$25.00	\$150.00	\$150.00
Winter	\$400.00	\$25.00	\$250.00	\$150.00

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Other Charges

1. Transfer of Burial Deed - \$100.00
2. Disinterment (on production of certificate from Vital Statistics) - Flow through of external contractor costs plus 10%, if billed through the Town
3. Re-internments shall be at burial costs
4. Grave Marker Permit Fee – within first three years \$25.00, otherwise \$50.00
5. Inscription on Columbaria Doors:
 - Double – as quoted by contractor
 - Single – as quoted by contractor

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SCHEDULE "B"

PART I - PURCHASE OF BURIAL DEED

In making this application, and in consideration of the Town of Bon Accord selling to the undersigned, the undersigned acknowledges and agrees:

1. This application shall constitute a binding contract between the parties for the purchase of the lot(s) specified, and all of the provisions of the Cemetery Bylaw, as amended from time to time hereafter shall be deemed to be included as terms and conditions of this contract.
2. That the title deed issued for the lot shall not be a title in fee simple, but shall be an easement or license only to use the burial plot.
3. That this agreement shall be binding upon the parties hereto, their respective heirs, executors, administrators, successors and, where permitted, their assigns.
4. The undersigned hereby waives, releases, and discharges the Town, its officers, agents and employees from all claims demands and rights of action which the undersigned may hereafter have against the Town for loss or damages, howsoever caused, resulting from the theft or vandalism to the grave markers situated with, upon or under the lots howsoever caused.
5. The undersigned understands that any/all grave markers will not exceed the surface of the ground, unless Section 5a. of the Bylaw applies. The applicant further understands that they will abide by the rules and regulations for the installation of grave markers.
6. The Town of Bon Accord does not allow the purchasers to resell the cemetery plot(s) on the open market but the owner of the deed may transfer the deed to another person upon application at the Town of Bon Accord and payment of the transfer fee. Or the purchaser may return the plot to the Town of Bon Accord for 85% of the market value at time of re-sale.
7. The opening and closing fees will be charged at the rate in effect on the date of interment or inurnment.

Regular Grave (_____)	Section (_____)	Plot (_____)	\$ _____
Cremation Grave (_____)	Section (_____)	Plot (_____)	\$ _____
Columbarium (_____)	Niche (_____)		\$ _____
Perpetual Care Fee			\$ _____
		Subtotal	\$ _____
		GST	\$ _____
		Total	\$ <u>_____</u>

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Signature of Purchaser

Printed Name of Purchaser

Address of Purchaser

Telephone No. of Purchaser

Date of Purchase

In consideration of the payment made by the Applicant, the Town hereby grants to the Applicant a burial lot deed entitling the Applicant to a license or easement to use the burial lot herein described and has access thereto.

Town of Bon Accord Representative

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PART II - BURIAL APPLICATION AND PERMIT

DATE: _____

Name of Deceased: _____

Maiden Name: _____

Age: _____ Sex: M / F

Date of Death: _____

Date of Birth of Deceased: _____

Date of Burial: _____

Time of Burial: _____

Service from: _____ Church/Chapel

Funeral Home in Charge: _____

Name of Applicant: _____

Address of Applicant: _____

Phone No. of Applicant: _____

Lot Description Section: _____ Plot No: _____

Regular Grave (_____) with Concrete Liner (_____) Vault (_____)

Cremation Grave (_____) Columbarium (_____) Other (_____)

Perpetual Care Fee (For burials in plots purchased prior to Perpetual Care Fee coming into effect. \$ _____

Opening & Closing Fee: Weekdays Regular Hours \$ _____

Weekday Overtime & Weekend & Holiday Additional Charges \$ _____

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Subtotal	\$ _____
GST	\$ _____
TOTAL	\$ _____

The Applicant acknowledges and agrees that a permit for burial is issued subject to the provisions of the Town of Bon Accord Cemetery Bylaw and amendments thereto.

Signature of Applicant

PERMIT FOR BURIAL

The Town of Bon Accord grants permission for the burial of the above deceased in the Bon Accord Cemetery this _____ day of _____, 20____.

Town of Bon Accord

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SCHEDULE "C"

GRAVE MARKER PERMIT

Permit No: _____

Name of Monument Company: _____

Address of Monument Company: _____

Phone No. of Monument Company: _____

Name of Purchaser: _____

Address of Purchaser: _____

Name of Deceased: _____

Location: Section: _____ Plot: _____

Type of Marker: Not to exceed ground surface

Material Used: Granite _____ Other _____

Size of Monument: Width _____ Height _____ Foundation Proposed: Yes ___ No ___

Inscription on Monument: _____

Date of Application: _____ Est. Date of Placement: _____

Permit Fee: _____ Cash _____ Cheque _____

Application Completed By

Signature of Applicant

Fee: \$25.00 if within first three years of burial, otherwise \$50.00, plus GST.

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SCHEDULE "D"

TRANSFER OF DEED FROM OWNER TO ANOTHER PERSON

Name of Current Owner: _____

Name of Person Receiving the Transfer: _____

Address of Person Receiving the Transfer: _____

Phone No. of Person Receiving the Transfer: _____

Date of Transfer: _____

Section: _____ Plot No: _____ Niche No: _____

Signature of Transferor

Signature of Transferee

NOTE: TRANSFER FEES MUST BE PAID IN ACCORDANCE WITH SCHEDULE "A"