

VILLAGE OF EMPRESS
BY-LAW NO. 2018-08

A BYLAW OF THE VILLAGE OF EMPRESS to provide for the control and regulation of the Empress Cemetery.

WHEREAS, The Village of Empress owns and operates a cemetery on land described as Part of the SE1/4 of Section 4, Tw 23, Range 29, West of the 3rd Meridian, Saskatchewan

AND WHEREAS, The Council of the Village of Empress deems it necessary to pass a bylaw respecting the operation of the cemetery owned by the Village of Empress;

AND WHEREAS, Pursuant to the Municipal Government Act any Council may pass bylaws for municipal purposes respecting services provided by the municipality

NOW THEREFORE, the Council of the Village of Empress, in the Province of Alberta, duly assembled, hereby enacts as follows:

1. **TITLE** This bylaw shall be cited as the Village of Empress Cemetery By-Law.
2. **DEFINITIONS** In this By-Law, unless the context otherwise require:
 - (1) **"Burial Plot"** shall mean a clearly delineated parcel of land, numbered and marked on the Cemetery Plan and duly registered in the Cemetery Files.
 - (a) Each burial plot may be used for a maximum of one casket and/or two cremation urns;
 - (2) **"Chief Administrative Officer"** is the person appointed by Council in accordance with the Act, or his/her designate;
 - (3) **"Council"** shall mean the Council of the Village of Empress;
 - (4) **"Funeral Director"** shall mean any registered or licensed embalmer or mortician or any other person authorized by Provincial Statute to inter deceased persons;
 - (5) **"Interment"** shall mean the excavation of a grave to the required depth and size as stated in the Cemeteries Act General regulations 249/1998 and any amendments thereto, the placing (but not the provision) of a rough or fiberglass box, the backfilling of the grave and the removal of any excess earth;
 - (6) **"Marker"** shall mean a memorial of granite, marble, or bronze, or sheet metal of no less than twelve gauge in thickness and being flush with the ground;
 - (7) **"Monument"** shall mean a memorial of granite, marble, or bronze, or sheet metal of no less than twelve gauge in thickness and shall include a tombstone, and which extends or rises above the ground to within a certain height;

- (8) **"Permit"** shall mean a permit issued by the Village of Empress, pursuant to this By-Law, entitling the person to whom it is granted to carry on any new permanent development or repairs therein as specified in the Cemetery By-Law of the Village of Empress as in Appendix A;
- (9) **"Structure"** shall mean curbs, fences, railings, walls, copings, trellises, hedges, trees or shrubs
- (10) **"Town"** shall mean the Municipality of the Village of Empress

3. ADMINISTRATION

- (1) The Chief Administrative Officer, or designate thereof, shall make all sales of burial plots in the Cemetery and opening/ closing of burial plots and shall receive all monies resulting from the sales and opening/closing of such burial plots.
- (2) The Chief Administrative Officer, or designate thereof, shall keep a correct account of all monies received and of all Village expenditures made in connection with the Cemetery and shall keep a suitable book of record with a descriptive record of each burial plot in the Cemetery and of every transfer or sale of a burial plot with the date of each sale or transfer of all business transacted in connection with the Cemetery.
- (3) The Chief Administrative Officer shall have the power to order the burial plots be sold in rotation or any manner considered suitable.
- (4) The Chief Administrative Officer shall designate the place where material to be used in connection with any work at the Cemetery is to be stored, or where excavated material is to be placed.
- (5) The price of burial plots and opening/closing of burial plots shall be set by Council as in Appendix A, and may be amended from time to time by a resolution of Council.
- (6) While the Village undertakes to provide all reasonable safeguards against damage, either willful or accidental, any marker or monument placed by the owner on any lot in the Cemetery is at the owner's risk.
- (7) The general administration of the said Cemetery shall at all times, be under the supervision of Council and the Chief Administrative Officer.
- (8) The Village hereby expressly reserves the right to adopt additional rules and regulations or to amend, alter, or repeal any rule, regulation, article, section, paragraph, or sentence in these rules and regulations at any time and without notice.

4. REGULATION OF PLOTS

- (1) Burial Plots shall be available for the burial of human remains at all times.
- (2) Burial Plots may be purchased and held in reserve by any person or estate by paying, in full, the price for the burial plot as set out in Appendix A.
- (3) Burial Plots reserved in the Cemetery shall not be resold or transferred by any person or estate to any other person or estate, except with the permission of the Chief Administrative Officer.
- (4) The holder of a reserve burial plot in the Cemetery may cancel out of his/her reservation in which case the Village will refund said holder 75% of the amount originally paid for such reserve.
- (5) Burial Plots shall not be used for any purpose other than burial for human remains.

5. INTERMENT/DISINTERMENT

- (1) The Village or any officer thereof shall not be responsible for any mistake resulting from lack of precise or proper instruction regarding the burial plot where an interment is to be made or has been made.
- (2) No burial shall be permitted in the Cemetery unless a burial permit issued by the proper office of the Government of the Province of Alberta is produced by the party applying for the burial to the Chief Administrative Officer or the local funeral home.
- (3) Funeral Directors must provide the necessary lowering devices and make their own arrangements for the placing of mats, wreaths, flowers, etc. around the burial plots.
- (4) Funeral Directors shall supply temporary identification markers which shall be placed on each grave site at the time of burial
- (5) In the case of interment and disinterment, the excavations shall be made by person(s) authorized and under the direction of the Chief Administrative Officer.
- (6) In all cases notification of intention to inter or disinter must be given to the Village office during regular office hours:
 - a. Between May 1 and October 31 in any year, at least 48 hours prior to the time of the interment;
 - b. Between November 1 and April 30 in any year, at least 72 hours prior to the time of the interment; and
 - c. Notification may be waived when the body to be interred died from a contagious disease or if special circumstances so require.

- (7) Funerals must reach the Cemetery not later than 4:00 pm on the date of the burial. The Off Hours charge will apply if it is necessary for personnel to remain after their usual working hours.
- (8) All work being conducted in the immediate vicinity of the Burial Plot shall be discontinued during a burial service at that burial plot.
- (9) 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 Village of Empress.
- (10) The person requesting a disinterment shall give complete and precise instructions regarding the location of the grave. The Village of Empress shall not be responsible for any errors resulting from the lack of proper instruction.

6. **MONUMENTS AND/OR MARKERS**

- (1) No monument markers, grave markers, tombstones, or structures of any kind whatsoever shall be installed, erected, or placed in the Cemetery, whether it be mentioned herein or not, without first obtaining a permit from the Chief Administrative Officer. A permit fee will be charged as set out in Appendix A. The Chief Administrative Officer may refuse a permit if, in his/her opinion, there is just and reasonable grounds for the refusal of the permit.
- (2) Monuments shall be mounted on a base extending on each side of the said monument a distance of not less than six (6) inches, and this base shall be level with the ground at the head of the grave site.
- (3) Upright monuments placed on a single burial plot shall not exceed the following dimensions:
 - (a) 48 inches in height;
 - (b) 18 inches in depth; and
 - (c) 48 inches in width including the base.
- (4) Where a single monument is to span multiple Burial Plots, it shall not exceed the following dimensions:
 - (a) 48 inches in height;
 - (b) 18 inches in depth; and
 - (c) 36 inches in width per burial plot being spanned, to a maximum width of 96 inches.

- (5) Pillow monuments shall not exceed the following dimensions:
 - (a) 12 inches in height;
 - (b) 18 inches in depth; and
 - (c) 48 inches in width including the base. Only one monument will be allowed on each burial plot. Markers level with the ground may be placed at each grave in addition to the monument.
- (6) No person will be permitted to install a permanent cover on any new burial plot, unless they are being buried beside their predeceased spouse who has a permanent cover.
- (7) Twelve (12) full months must lapse between the date of interment and the placing of any marker or monument.
- (8) The Village shall not be responsible for any damage, whether willful or accidental to any marker, monument, or headstone within the said Cemetery.
- (9) Inscriptions on Monuments or Markers must be of sufficient depth and quality so as to be legible and durable. Metal plaques which oxidize or deteriorate are not permitted.
- (10) No inscription shall be placed on any Monument or Marker which is not in keeping with the dignity and decorum of the Cemetery.
- (11) All persons erecting Monuments or Markers shall ensure that such Monuments or Markers are firmly secured to the foundation, and that the foundation is adequate to carry the Monument or Marker.

7. MAINTENANCE

- (1) Once burial plots have been used for burial, topsoil will be put in place and leveled. Once weather permits and wherever possible, the plot will be seeded to grass by the Village.
- (2) Every owner of a Monument or other erection upon any Burial Plot shall maintain it in proper repair.
- (3) The Chief Administrative Officer may authorize the removal of any Monument from a Burial Plot when necessary to gain access to another plot, provided that such Monument is re- installed in a like manner.
- (4) The Chief Administrative Officer shall have authority to have removed from any grave, any weed, grass, funeral designs or floral pieces that have become wilted, or any other articles or things, which are in his/her opinion, unsightly.

- (5)** Where any curbs, fences, railings, walls, copings, trellises, hedges, tree, or shrubs, or the like on or around a burial plot have by reason of age or neglect become unsightly or objectionable, the Chief Administrative Officer may cause same to be removed, but in doing so, will leave the area in a safe, proper and neat condition. Where the Chief Administrative Officer finds any monument, marker, or other structure upon a burial plot in a state of disrepair, unsightly or objectionable, or directly interfering with routine cemetery maintenance, the Chief Administrative Officer may cause such to be removed, after 30 days' notice of the intention to do so have been given to the owners of the Plot, or to relatives if the owner is deceased, or published in a newspaper circulated in the Village of Empress, if the relatives are unknown.
- (6)** If in the opinion of the Chief Administrative Officer, any tree situated on or about the Cemetery becomes, by means of their roots or branches, or in any other way detrimental to adjacent Burial Plots, walks or driveways, prejudicial to the general appearance of the grounds, or dangerous or inconvenient to the public, the Chief Administrative Officer shall have the right to direct the removal of said tree, or any parts thereof.
- (7)** Any person who willfully destroys, mutilates, writes on, defaces, injures or removes any monument or marker, or any structure, vehicle, building, machinery, tools, equipment, or any material placed or left in the Cemetery, or any railing, fence or other work for the protection, maintenance, or ornamentation of the Cemetery or burial plot, or willfully destroys, cuts, picks, breaks, or injures any tree, shrub, or plant in the Cemetery or plays any game or sport or discharges or carries a firearm except firearms at a military funeral, or who willfully or unlawfully disturbs persons assembled for the purpose of burying a body in the Cemetery, or who commits a nuisance or at any time behaves in an indecent or unseemly manner in the Cemetery, shall be subject to the penalties of this By-Law.
- (8)** No person shall turn loose, ride or allow going at large any cattle, swine, horses, dogs, cats or any other animal in the Cemetery.
- (9)** All material and equipment likely to injure any grass, shrubbery, monument, marker, or cover shall be moved on planks or otherwise in such a manner as to protect such grass, shrubbery, monuments, markers and covers from injury.
- (10)** Any regulation not followed regarding structures on Burial Plots will result in the removal of said structure at the owner's expense.
- (11)** No shrubs or trees may be planted in any part of the Cemetery other than in the areas reserved for such planting and only with the permission of the Chief Administrative Officer.

8. GENERAL PROVISIONS

- (1) Any person may donate shrubs, trees, plants, or funds for the purchase of shrubs, trees, or plants as a memorial, to be planted in the areas reserved for such planting and only with the approval and permission of the Chief Administrative Officer.
- (2) The Village shall not be responsible for frozen plants or herbage of any kind or for planting damaged by elements, thieves, vandals, or by other causes beyond their control.
- (3) The Village shall have the right to prohibit the entry of any person or persons who do not have the related business at the Cemetery.
- (4) No animal shall be allowed in the Cemetery unless such animal is on a leash and under the control of an adult person.

9. ENFORCEMENT

- (1) Any person who contravenes a provision of this By-Law is guilty of an offence and is liable to a summary conviction by any magistrate or Justice of the Peace for the Province of Alberta, to pay a fine not less than \$500.00 and not more than \$5,000.00 exclusive of costs, for breach thereof, or in the case of non-payment of the fine and costs, imprisonment for a period not exceeding 30 days.

10. SEVERABILITY

- (1) Should any provision of this By-Law be invalid then such invalid provision shall be severed and the remaining shall be maintained.

11. ENACTMENT

- (1) This Bylaw shall come into effect upon the date of third reading.
- (2) Bylaw 5-2014 and Bylaw 7-2014 are hereby repealed.
- (3) Where the terms of this Bylaw conflict with the provisions of any other Bylaw of the Village of Empress, this Bylaw shall prevail.

Read a first time this 22nd day of November, 2018.

Read a second time this 20th day of December, 2018.

Read a third time this 20th day of December, 2018.

Sandra Crooker
Mayor

Debbie Ross
Chief Administrative Officer

Appendix "A"
Bylaw 7-2018

Charge for Plot	\$100.00
Charge for Interment:	
Weekdays:	
May 1 to October 31	\$350.00
November 1 to April 30	\$650.00
Weekends, Evenings, Holidays:	
May 1 to October 31	\$700.00
November 1 to April 30	\$950.00
Charge for Disinterment:	
Weekdays :	
May 1 to October 31	\$400.00
November 1 to April 30	\$700.00
Weekends, Evenings, Holidays:	
May 1 to October 31	\$700.00
November 1 to April 30	\$950.00
Charge for Burial of Cremation	
Weekdays:	
May 1 to October 31	\$125.00
November 1 to April 30	\$200.00
Weekends, Evenings, Holidays:	
May 1 to October 31	\$200.00
November 1 to April 30	\$300.00
Charge for Development Permit	\$ 25.00