

BYLAW NO. 1008/05

A BYLAW OF LACOMBE COUNTY, IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR THE MAINTENANCE, OPERATION AND CONTROL OF THE MIRROR AND DISTRICT 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 cemeteries, and

WHEREAS, it is expedient and in the best interest of Lacombe County to establish regulations for the maintenance, operation and control of the Mirror and District Cemetery

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

1. LOCATION

The following land is hereby established and set apart for the sole purpose of a public cemetery to be known as:

Mirror and District Cemetery

described as follows:

Plan 8021035, Block 1, Lot 1 (within SW 34-40-22 W4M)

Containing 4.03 acres more or less

2. DEFINITIONS

In this Bylaw, unless the context requires:

- (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) "CARETAKER" means the County employee or employees actually working at the cemetery under the instruction and supervision of the County.
- (c) "CEMETERY" means the cemetery in Lacombe County known as the "Mirror and District Cemetery" owned and operated by and under the control of the County.
- (d) "COUNCIL" means the Council of Lacombe County.
- (e) "COUNTY" shall mean the Municipal Corporation of Lacombe County.
- (f) "FLOWERING ORNAMENTAL" means any perennial, annual and biannual flowering plant.
- (g) "GRAVE" means a plot used as a place of burial.
- (h) "MANAGER" shall mean County Commissioner of Lacombe County or his designate.
- (i) "MONUMENT" shall mean and includes any permanent grave structure or headstone level with or above the ground.
- (j) "PERPETUAL CARE" means the basic maintenance of all lots 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 monuments.
- (k) "PLOT" means a plot as shown on a plan of subdivision on record in the County office.
- (l) "RESIDENT" a person who has resided within Lacombe County for a minimum of six (6) months during his/her lifetime.
- (m) "WOODY ORNAMENTAL" means any trees, shrubs, creepers and climbers.
- (n) "SUMMER" means May 1 to October 31.
- (o) "WINTER" means November 1 to April 30.

3. GENERAL

- (a) The Manager shall have charge of the cemetery and shall exercise control over all persons employed therein.
- (b) The County 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 County, any woody ornamentals 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 County shall have the right to remove such woody ornamentals, or any parts thereof.
- (d) The County shall have the right to remove fences, borders, railings, 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 plot, or to his relatives if the owner is deceased. If relatives of the deceased are unknown, a public notice shall be placed in a newspaper circulated in Lacombe County.
- (e) No person shall disturb the quiet or good order of the cemetery by improper noise, improper conduct or otherwise. A Lacombe County enforcement officer may evict therefrom, using such force as is reasonably necessary, or deny entrance to any person who contravenes this bylaw.
- (f) Whenever 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 County to do so, the County 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 County.
- (g) No person shall allow any cattle, swine, horses, dogs or any other animal to run-at-large in the cemetery.
- (h) No person shall destroy, damage, deface or write upon any monument, tablet or other structure or object in any cemetery.
- (i) No person shall deposit any paper, sticks, or refuse of any kind on any portion of the land within the boundaries of the cemetery except in receptacles provided for that purpose.
- (j) All grading, seeding of grass, and sodding work shall be done by employees of the County.

4. PLOTS

- (a) The plans of subdivision of the lands made available by the County for burial purposes now on record at the County Administration office, together with all subsequent plans of subdivision of such lands approved by the County, shall be the plans of the cemetery herein referred to and all interments shall be made and records kept by the County in accordance with such plans. Copies of all such plans shall be available for inspection free of charge at the County office during normal office hours.
- (b) The Manager shall supervise all sales of plots and interments in the cemetery.
- (c) Plots in a cemetery shall be sold by the County upon the purchaser paying the amounts shown in Schedule "A" of this bylaw and on completion of an application to purchase a burial deed in the form of Schedule "B" hereto attached.
- (d) The Council may from time to time, by resolution amend the fees and charges for plots and service shown in Schedule "A" of this bylaw.
- (e) The owner of a plot may transfer same only to the County and shall be entitled to a refund of 85% of the price of the plot at the time of refund. The owner of a plot is responsible to pay a perpetual care fee at the time of plot purchase. Therefore, 5% of the original perpetual care funds received will be deducted for each year prior to the plot being transferred back to the County. The remaining amount of perpetual care funds will then be refunded to the previous

owner at the time that the plot ownership is transferred. No refund will be given to anyone owning a plot longer than twenty years.

- (f) No plots shall be used for any purpose other than burial grounds for human bodies, and the cremated remains of human bodies.
- (g) The placement of fences, railings, walls, hedges, woody ornamentals and flowering ornamentals in or around the plots is prohibited after the date of passing this bylaw.
- (h) The top of plots or graves shall be kept level with the surrounding ground.

5. BURIALS

- (a) 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 County.
- (b) No interment shall be permitted until a burial application and permit in the form of Schedule "C" hereto annexed has been completed and given to the County. Such permit shall contain the following particulars:
 - o Name of deceased
 - o Date and time of burial
 - o Description of burial plot
 - o Name of undertaker or person responsible for burial
 - o Name of applicant for burial permit
- (c) Orders for Saturday, Sunday, holidays or winter burials must reach the office of Lacombe County seventy-two (72) hours before the burial is to take place, unless the County for emergent reasons otherwise allows.
- (d) Graves shall be opened and closed and interments made only by persons authorized to do so by the County. The funeral home or the person in charge of the interment shall be responsible for opening and closing of all graves for full body burials. The County will be responsible for opening and closing of all graves for burials of cremated remains. The fees charged for opening and closing for burial of cremated remains of any body are in accordance with Schedule "A" of this bylaw.
- (e) No grave for the burial of a deceased person the age of five (5) years or over shall be less than six (6) feet in depth from the surface of the ground surrounding the grave.
- (f) No grave for the burial of a deceased person under five (5) years of age 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 four (4) 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 eighteen (18) 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 another body 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 two (2) cremated remains may be interred in one cremation plot. A maximum of four (4) cremated remains may be interred in a single plot.
- (j) There shall not be more than one casket burial in a single plot.
- (k) The scattering of cremated remains is prohibited.
- (l) Whenever a grave shall become vacant by removal of the body or bodies, the grave from which the body has been removed shall revert without refund to Lacombe County.
- (m) The County shall supply graves in the cemetery, without charge, for the unclaimed bodies of deceased persons.
- (n) The County shall supply graves in the cemetery, at a charge of 50% of the current plot prices, for the bodies of indigent persons.

- (o) All work in the immediate vicinity of a grave shall be discontinued during the burial service.
- (p) All burials within the limits of the cemetery shall be under the supervision and control of the County.

6. MONUMENTS

- (a) All persons employed in the construction and erection of monuments or doing other work in the cemetery, shall be subject to the direction and control of the County.
- (b) No monuments shall be erected in the cemetery until an application is made to the County and a permit in the form of Schedule "D" hereto annexed has been issued.
- (c) When cremains are placed in a plot where a body has been interred, only flat monuments may be placed at the foot of the plot marking the cremains.
- (d) No monuments shall be erected on Saturdays, Sundays or holidays unless permission in writing has been granted by the County.
- (e) All persons erecting monuments shall ensure that the surrounding areas are left in the same condition as found.
- (f) No work shall be done upon any monuments, nor shall any monument be removed from any grave or plot without permission from the County.
- (g) The County is not responsible for the repair or maintenance of monuments whether damaged by vandalism or other means.
- (h) Use of grave covers will not be permitted after the date of passing this bylaw.

7. PERPETUAL CARE

- (a) A perpetual care fee will be added to the purchase price of all burial and cremation plots.
- (b) The Mirror Cemetery Perpetual Care Reserve Fund shall be established for the future care of the cemetery.
- (c) Perpetual care to be supplied by the County shall not include the care, maintenance, upkeep, repair or replacement of any monument or marker which has been placed in the cemetery.
- (d) Tax deductible donations will be accepted and held in the Cemetery Perpetual Care Reserve Fund.
- (e) When plots are sold back to the County the perpetual care fee shall be refunded as per Section 4 (e) of this bylaw.

8. VISITORS

- (a) No person shall enter or remain in the cemetery between the hours of 10:00 p.m. of any day and 6:00 a.m. of the next day following.

9. VEHICLES IN CEMETERY

- (a) No person shall drive any vehicles through the cemetery at a greater rate of speed than 20 kilometres per hour.
- (b) The County may prohibit the driving of vehicles in any part of the cemetery.
- (c) Unless authorized by the County, 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.

10. FIELD OF HONOUR

- (a) Section Q, Lots 1 through 60 have been set aside, as the "Field of Honour" and shall be reserved for burial of the following: Army, Navy, Air Force veterans; Canadian Armed Forces members; members of the Merchant marine during wartime; allies of Canada during its times of conflict and spouses of any of the above. Eligibility of veterans for interment shall be determined by the Royal Canadian Legion Mirror Branch 189. Verification of eligibility must be shown prior to sale of plots and must be in the form of:
- i. discharge certificate
 - ii. documentation of service number verified by Department of Veterans' Affairs (DVA)
 - iii. service organization's "service officer"
- (b) In the case of spousal burials in the Field of Honour, the party requesting such burial shall be required to pay the current plot price and the usual fees for the opening and closing of the grave.
- (c) The cenotaph in the Field of Honour shall be maintained by the Royal Canadian Legion Mirror Branch 189 with all work authorized by the County prior to commencement.
- (d) It is the responsibility of the Royal Canadian Legion Mirror Branch 189 to lower the flag(s) in the Field of Honour at times of interment.
- (e) All markers will be as specified by the DVA and shall be as follows: flat markers to have a grey granite smooth top with a size of 1 foot 8 inches by 1 foot by 0.4 inches as supplied by manufacturer selected by DVA.
- (f) By Canadian statute there will be no differentiation in the markers denoting a persons "station in life".

11. PROVISIONS for RULES AND REGULATIONS

- (a) The Council may, by resolution, make rules and regulations not inconsistent with this bylaw for the effectual carrying out of this bylaw and for the efficient management, control and regulation of the cemetery.

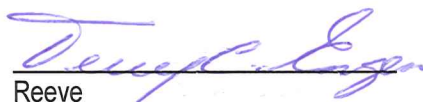
12. PENALTY

- (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 one thousand dollars (\$1000) 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.

INTRODUCED AND GIVEN FIRST READING this 13th day of October, 2005

GIVEN SECOND READING this 13th day October, 2005

GIVEN THIRD AND FINAL READING this 13th day of October, 2005


Reeve


County Commissioner

SCHEDULE "A"
LACOME COUNTY
BYLAW NO. 1008/05

RATES AND FEES

Single Plot – Lacombe County resident	\$ 200
Single Plot – Non-resident	\$ 400
Cremation Plot - Lacombe County resident	\$ 100
Cremation Plot – Non-resident	\$ 200
Field of Honour – Veteran	\$ 100
Field of Honour – Veteran's spouse	\$ 200
Perpetual Care – Single Plot	\$ 100
Perpetual Care – Cremation Plot	\$ 60
Opening/Closing – Cremains	\$ 200

All rates and fees are subject to G.S.T.

SCHEDULE "B "

LACOMBE COUNTY

BYLAW NO. 1008/05

APPLICATION TO PURCHASE BURIAL DEED

Name of Applicant: _____ Date: _____

Address: _____ Phone: _____

In making this application, and in consideration of the Lacombe County 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 lots 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 lot.
- 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 County, its officers, agents and employees from all claims, demands and rights of action which the undersigned may hereafter have against the County for loss or damages, howsoever caused, resulting from the theft or vandalism to the monuments or grave markers situate with, upon or under the lots howsoever caused.

APPLICANT

PLOT INFORMATION

Section:	_____
Plot:	_____
Single	\$ _____
Cremation	\$ _____
Field of Honour	\$ _____
Perpetual Care	\$ _____
Total Payment Required	\$ _____

In consideration of the payment in the amount herein set forth made by the applicant the County 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 have access thereto.

LACOMBE COUNTY

SCHEDULE "C "
LACOMBE COUNTY
BYLAW NO. 1008/05

BURIAL APPLICATION AND PERMIT

Name of Deceased: _____ Date: _____
Name of Applicant: _____ Phone: _____
Address: _____

Date of Death: _____
Date of Burial: _____ Time of Burial: _____
Name of Undertaker: _____

PLOT INFORMATION

Section: _____
Plot Number: _____
Burial of: Body () or Ashes () \$ _____

The applicant acknowledges and agrees that a permit for burial is issued subject to the provisions of the Lacombe County Cemetery Bylaw and amendments thereto.

Signature of Applicant

SCHEDULE "D"
LACOMBE COUNTY
BYLAW NO. 1008/05

MONUMENT PERMIT

Name of Monument Company	
Name of Purchaser	
Name of Deceased	
Location of Plot	Section: Plot:
Type of Monument	Flat Pillow Upright
Size of Monument	
Date of Application	
Estimated Date of Placement	
Application Completed by	
Signature of Applicant	