

**TOWN OF OYEN
BY-LAW NO. 830-13**

A BYLAW OF THE TOWN OF OYEN to provide for the control and regulation of the Oyen Cemetery.

WHEREAS

The Town of Oyen owns and operates a cemetery on land described as Part of the NE ¼ of Section 3, Range 4, West of the Fourth Meridian as described on Certificate of Title No. 67F10 is owned by the Town of Oyen and was established and designated as a Municipality owned and operated cemetery

AND WHEREAS

The Council of the Town of Oyen deems it necessary to pass a bylaw respecting the operation of the cemetery owned by the Town of Oyen;

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 Town of Oyen, in the Province of Alberta, duly assembled, hereby enacts as follows:

1. TITLE

This bylaw shall be cited as the Town of Oyen Cemetery By-Law.

2. DEFINITIONS

In this By-Law, unless the context otherwise require:

- (1) “Burial Plot”** shall mean a single grave plot for burial of a casket or cremation urn:
 - (a) plots measure four (4) feet by eight (8) feet in size. Each burial plot may be used for a maximum of one casket and/or four cremation urns;
- (2) “Chief Administrative Officer”** is the person appointed by Council in accordance with the Act, or his designate;
- (3) “Council”** shall mean the Council of the Town of Oyen;
- (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, 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 Town of Oyen, 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 Town of Oyen as in Appendix B;

(9) “**Town**” shall mean the Municipality of the Town of Oyen.

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 Town 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 Town 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 Town 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 Town 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 Town 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) 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.
- (5) In all cases notification of intention to inter or disinter must be given to the Town 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.
- (6) 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.

- (7) All work being conducted in the immediate vicinity of the Burial Plot shall be discontinued during a burial service at that burial plot.
- (8) 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 Town of Oyen.
- (9) The person requesting a disinterment shall give complete and precise instructions regarding the location of the grave. The Town of Oyen 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.

- (6) 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.
- (7) Under no circumstances will any structure in the old or new sections of the Cemetery exceed the width and length of the burial plot.
- (8) No person will be permitted to install a permanent cover on any new burial plot.
- (9) Twelve (12) full months must lapse between the date of interment and the placing of any marker or monument.
- (10) The Town shall not be responsible for any damage, whether willful or accidental to any marker, monument, or headstone within the said Cemetery.
- (11) 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.
- (12) No inscription shall be placed on any Monument or Marker which is not in keeping with the dignity and decorum of the Cemetery.
- (13) 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 Town.
- (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.

- (6)** 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 Town of Oyen, if the relatives are unknown.
- (7)** 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.
- (8)** 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.
- (9)** No person shall turn loose, ride or allow going at large any cattle, swine, horses, dogs, cats or any other animal in the Cemetery.
- (10)** 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.
- (11)** No person shall be permitted to drive, ride, park, or operate any all-terrain vehicle, mini-bike, motorcycle, or any off highway vehicle or snow vehicle within the said Cemetery.
- (12)** Any regulation not followed regarding structures on Burial Plots will result in the removal of said structure at the owner's expense.
- (13)** 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 Town 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 Town 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)** By-Law 822-13, and any related amendments, shall be repealed upon third reading of this bylaw.

Read a first time this 17th day of September, 2013.

Read a second time this 17th day of September, 2013.

Read a third time this 17th day of September, 2013.

Original signed by
Paul Christianson

Date

Mayor

Original signed by
Hermann Minderlein

Date

Chief Administrative Officer

Appendix "A"
Bylaw 830-13

Charge for Plot \$225.00

Charge for Interment:

Weekdays:

May 1 to October 31 \$400.00
November 1 to April 30 \$675.00

Weekends, Evenings, Holidays:

May 1 to October 31 \$600.00
November 1 to April 30 \$950.00

Charge for Disinterment:

Weekdays:

May 1 to October 31 \$400.00
November 1 to April 30 \$675.00

Weekends, Evenings, Holidays:

May 1 to October 31 \$600.00
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