

COUNTY OF MINBURN NO. 27

BYLAW NO. 1346-24

A BYLAW OF THE COUNTY OF MINBURN NO. 27, IN THE PROVINCE OF ALBERTA, TO REGULATE AND MANAGE THE LAVOY CEMETERY.

WHEREAS, the County of Minburn No. 27 is recognized as the owner of the cemetery on land described as Part of SW 5-52-13-W4M in the Province of Alberta, otherwise known as the Lavoy Cemetery.

AND WHEREAS Council has the authority to regulate and manage the Lavoy Cemetery pursuant to the *Cemeteries Act, Revised Statutes of Alberta, 2000* and amendments thereto.

AND WHEREAS, Council deems it necessary to pass a bylaw respecting the operation of the Lavoy Cemetery to incorporate current cemetery practices and regulations.

NOW THEREFORE, Council of the County of Minburn No. 27 duly assembled, pursuant to the terms of the *Municipal Government Act*, hereby enacts as follows:

1. TITLE

1.1 This Bylaw shall be cited as the “**Lavoy Cemetery Bylaw**”.

2. DEFINITIONS

In this bylaw, unless the context otherwise requires:

- 2.1 “**Burial**” means the interment of human remains or cremated human remains in a grave.
- 2.2 “**Burial Permit**” means the legal document issued by the Vital Statistics Department at the same time that the death is registered.
- 2.3 “**Caretaker**” means the Director of Operations for the County of Minburn, unless otherwise delegated to another entity by way of agreement.
- 2.4 “**Cemetery**” shall mean the Lavoy Cemetery.
- 2.5 “**Concrete Foundation**” means the concrete structure placed at the head or foot of the plot used for the placement of monuments and foundations.
- 2.6 “**Council**” means the Council of the County of Minburn No. 27.
- 2.7 “**County**” shall mean the County of Minburn No. 27.
- 2.8 “**Funeral Director**” means any individual, firm, partnership, or corporation who arranges funerals on behalf of private clients.
- 2.9 “**Grave**” means an excavation intended for the burial of dead human or cremated remains.
- 2.10 “**Interment**” means placing dead human remains in a suitable container underground in the Cemetery.
- 2.11 “**Inurnment**” means the placement of cremated human remains in a grave.

- 2.12 **“Lavoy Cemetery”** means the land located in SW 5-52-13-W4M owned by the County of Minburn No. 27 set apart for the burial of dead human remains or cremated human remains.
- 2.13 **“Liner”** means a burial receptacle placed in the ground in a cemetery, either sectional, dome or box form designed and built to support the weight of the earth, and standard cemetery maintenance equipment, and to prevent the grave from collapsing.
- 2.14 **“Licensee”** means a person, firm, or corporation that acquires burial privileges for one or more plots with fee simple title to the property remaining with the County.
- 2.15 **“Marker”** means a plot indicator with a flat and level surface placed on plot, level with the surrounding ground that may either be temporary or permanent in nature.
- 2.16 **“Monument”** means a memorial permanently constructed to extend above the surface of the ground or is level/flush with the ground.
- 2.16 **“Owner”** means the person, or any other legal entity that has purchased a burial plot in the Lavoy Cemetery.
- 2.17 **“Plot”** means a single grave for the purpose of interment or inurnment in the Cemetery.
- 2.18 **“Permit”** means a prescribed form provided by the County for application to carry out work in the Cemetery.
- 2.19 **“Rubbish”** means boxes, paper, weeds, decaying flowers or plants, faded wreaths, broken receptacles and any other material the presence of which results in an untidy appearance to any part of the Cemetery grounds.
- 2.20 **“Urn”** means a vessel designed for storing cremated human remains.

3. GENERAL REGULATIONS

- 3.1 The County, or its assigned Caretaker, shall have sole control of all matters within the Cemetery that is concerned with maintaining the grounds in a neat and pleasing condition.
- 3.2 The County may enter into a caretaking agreement with another entity to transfer or share this control as deemed to be appropriate.
- 3.3 The County, or its assigned Caretaker, shall have the authority to control pests, remove any weed, plants, grass, floral pieces or wreaths which may become unsightly, dangerous, detrimental, or wilted in the opinion of the County or its assigned Caretaker.
- 3.4 If in the opinion of the County or Caretaker, any trees, shrubs or plants growing or situated on or about the Cemetery shall become, by means of their roots or branches, prejudicial to the general appearance of the grounds or become dangerous or inconvenient to the general public, the Caretaker shall have the right to remove such trees, shrubs or plants, or any parts thereof.
- 3.5 While the County and/or Caretaker will take all reasonable precautions to protect the property of Licensees, the County and/or Caretaker assumes no liability nor responsibility for any loss of or any damage to any Marker, Monument or part thereof, or any article of any type that may be placed on a plot.

3.6 The County may alter its general regulations from time to time.

4. SALE AND TRANSFER OF PLOTS

- 4.1 The County, at its sole discretion, will have the right to limit the advance sale of burial plots until a time that a plot is required for an actual burial.
- 4.2 The plots that are available for purchase from the County will require payment of the proper charge thereof, which is listed in the County's Master Rates Bylaw.
- 4.3 No person shall make a reservation for one or more plots without making payment in full at the time of reservation.
- 4.4 The County, or its assigned Caretaker shall make all sales of burial rights for plots in the Cemetery and shall receive and account for all money derived therefrom and shall enter all particulars of such sales on records kept only for such purpose and shall keep a record of the name or names of any person or persons buried in any plot together with the date of any such burial.
- 4.5 The Caretaker shall issue to each purchaser of burial rights in any plot, a cemetery deed in the form as prescribed that will be subject to the bylaws of the County as amended from time to time. The person acquiring plots 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 the County.
- 4.6 If, for any reason the County deems a previously purchased plot unusable, the County will supply a similar plot at no cost to the original purchaser or their heirs and the original plot will revert to the County.
- 4.7 The cemetery deed that recognizes the purchase of a plot cannot be resold except to the County, in which case the offer must be in writing. The County shall refund an amount representing seventy-five (75) percent of the current market value of the plot at the date of the buy back. Notwithstanding the provisions of this section, members of the same family may transfer their deed for a plot to each other provided that the request is made in writing to the County.
- 4.8 The Cemetery survey, plans, and interment records of each plot are housed and maintained in the County Administration office with the records and plans of each plot clearly labelled and numbered. Records shall indicate the owner of each plot as well as all other information required pursuant to the *Cemeteries Act* and regulations passed thereunder. Copies of such plans will be available for inspection free of charge at the County Administration office.
- 4.9 All plots purchased prior to the County passing this bylaw will be honoured provided that the requisite verification is in place.
- 4.10 The County may set apart a portion of the cemetery as a field of honour for the burial of any soldier, sailor, airman, nursing sister, or other person, male or female, who has been in active service with the forces of His Majesty or of His Majesty's allies, and the Council for the County of Minburn may, by resolution, from time to time prescribe the

terms and conditions under which burials may be made in any such field of honour.

- 4.11 The County will determine the location and size of all plots that are to be sold and no plots will be further subdivided or altered in any manner at variance with the Cemetery plans unless authorized by the County.

5. INTERMENTS AND DISINTERMENT

- 5.1 No person shall personally or by agent undertake an interment in any burial plot unless they have produced to the Caretaker of the Cemetery or the Funeral Director the following:
- a. A burial permit issued by the proper office of the Government of Alberta;
 - b. An application for permission to inter a body, completed and signed; and
 - c. Receipt of the full Permit fee for the Plot.
 - d. If none of these sources of information can be provided, the plot purchase records held and maintained by the County may be reviewed at the discretion of the caretaker in attempt to confirm the purchase of a plot.
- 5.2 All applications for burials should be made at least forty-eight hours before the time of interment except for Saturdays, Sundays and holidays. Between the months of November to April, seventy-two hours' notice will be required.
- 5.3 Every Licensee obtaining a Plot in the Cemetery shall be held responsible for the cost thereof and for all charges in connection therewith, including disinterment or removal of the body when applicable. Any person signing an order for interment shall be held responsible for all charges in connection with the interment. In addition, that person will be responsible for compliance with the regulations governing erection of Monuments.
- 5.4 No interment shall be made without proof of the deed to a particular Plot, or if no written proof can be provided, a decision to allow an interment shall be made at the discretion of the County.
- 5.5 It is a condition of every deed that the Licensee expressly waives any claim arising by reason of any error in describing any burial plot. The County endeavours as much as is reasonably possible to avoid such errors but in the event of an error, the County will make an equivalent quality of plot available in lieu of those originally allocated.
- 5.6 No more than one body shall be buried in a single grave except a parent and their infant child under one month of age when both are in the same casket or coffin.
- 5.7 No burial of a person will be permitted in the cemetery unless a liner is first placed in the grave, the cost of which including installation shall be borne by the purchaser.
- 5.8 The liner must be placed in the plot so that it is totally buried and a minimum of three (3) feet of coverage remains between the outer shell and the surface of the ground.
- 5.9 The County does not permit the use of double depth graves.

- 5.10 One cemetery Plot can accommodate either one standard casket plus up to two urns containing cremated remains or if no casket, up to three urns containing cremated remains.
- 5.11 All burials of cremated remains shall be at least eighteen (18) inches between the outer shell of the urn or vault and the surface of the ground.
- 5.12 Cremated remains contained with an urn may be interred in any Plot already occupied where the person or surviving next of kin (who is deemed to have authority) gives written permission for such interment.
- 5.13 Ash interments and/or urn inurnments are permitted only after a regular interment has occurred or when no regular interments will occur, the latter of which must be confirmed in writing by the person or surviving next of kin (who is deemed to have authority) acknowledging the limitation.
- 5.14 No plots or graves shall be raised above the level of the surrounding ground.
- 5.15 Disinterment, except for reburial in the same grave at greater depth, will not be allowed unless permission is first obtained for that purpose from the Caretaker or Funeral Director, and if given, such permission shall be in writing and signed by the Caretaker or Funeral Director. No disinterment will occur without the Licensee providing written proof of their ownership of that plot.
- 5.16 No disinterment of human remains shall occur for any purpose unless a licensed funeral director is present, the Chief Medical Examiner has been notified, and a disinterment permit fee has been set issued by the Director of Vital Statistics. Cremated remains may be disinterred from a plot upon an application to and approval of the Caretaker.
- 5.17 When a plot becomes vacant because of disinterment, the land will revert to the County at the Licensee's option and the County will in such a case, purchase the plot back from the Licensee.

6. MONUMENTS AND MARKERS

- 6.1 Any work carried out at the Cemetery requires authorization from the Caretaker.
- 6.2 The County will not purchase Markers or Monuments or other structures except as per Section 7.6. Purchasing these items is the sole responsibility of the families of the deceased.
- 6.3 No Licensee shall erect more than one Marker or Monument per plot without the prior authorization of the Caretaker.
- 6.4 Monuments placed in the Cemetery will be at the Owner's risk. The County shall not be held responsible for any damage, destruction, or defacement to any Marker, Monument, grave or other structure or object in a Cemetery except for damages resulting from general maintenance and upkeep such as mowing, trimming and fencing.
- 6.5 The placement of Monuments shall comply with the following requirements:

- a. Monuments must be constructed of granite, marble, bronze, or a comparable material acceptable to the Caretaker.
 - b. A Monument may not have a base that exceeds the Plot width or height exceeding thirty-six (36) inches including the base.
 - c. No inscriptions, insignias, or trademarks shall be placed on any Monument, which is not in keeping with the dignity and decorum of the Cemetery.
 - d. The installation of grave covers (structure of concrete, marble, granite, or similar material placed on the entire burial plot) are not permitted effective the date of passing of this Bylaw. If an existing grave cover needs to be repaired or replaced, it will be required to be removed.
- 6.6 No monuments or other structures will be permitted that are manufactured of cemented artificial stone, wood, plastics, glass, or another unauthorized material.
- 6.7 Any structure of construction at the Cemetery, in existence before the passing of this Bylaw, regardless of composition, may be retained as a monument or marker provided it does not fall into a state of disrepair.
- 6.8 No Marker, monument, or other structure shall be erected or placed in a Cemetery until:
- a. Written approval for erecting such a Marker, Monument, or structure has been issued;
 - b. Arrangements have been made with the Caretaker as it pertains to the location of the monument, marker, or structure.
- 6.9 All persons employed in the construction and erection of monuments or markers or doing other works in a Cemetery whether employed by the County or not, shall be subject to the direction and control of the Caretaker or Funeral Director.

7. PLOT MAINTENANCE

- 7.1 Care and maintenance provided by the County will include filling and reseeded of any sinking grave and generally to do and perform all things necessary and expedient to preserve the said grave plot in a neat and tidy condition, and to properly care for and protect the same. This maintenance does not include any responsibility for repair and maintenance of the monument or concrete foundation.
- 7.2 No trees, plants, shrubs, flowers or any other thing intended for growth shall be planted, seeded, grown or maintained on any lot. The County may remove or prevent the placing of any stand, holder, vase, or other receptacle which they deem to be unsuitable for such purpose or unsightly in appearance. Vases to hold flowers must be attached to the monument and cannot be placed in the ground.
- 7.3 Any structure of construction at the Cemetery in existence before the passing of this Bylaw may at the discretion of the Caretaker be removed free of charge by the County upon request of the Licensee or may be removed from time to time, if for reason of age or neglect they become in a state of disrepair.
- 7.4 Each owner of a marker, monument or other structure upon a plot shall maintain it and assure it is in proper repair. The Caretaker will contact the Licensee or the Licensee's family members if a gravesite requires repairs.

- 7.5 Where the owner of a Monument neglects to make the required repairs or alternations within sixty (60) days after receiving notice from the County to do so, the County upon consultation with the Caretaker, shall have the power to repair or remove such monuments.
- 7.6 If the owner cannot be located to repair or replace their monument following a reasonable duty of care the County may replace the damaged monument with a marker of nominal value at the discretion of the Caretaker.

8. GENERAL RULES

- 8.1 No person while in the Cemetery shall:
- a. Throw rubbish on the roads, walkways, or grounds of the Cemetery;
 - b. Place or erect upon a plot any plant, fence, railing, wall, stone coping, hedge or other enclosure.
 - c. Allow any livestock, dogs or other pets to run at-large in the Cemetery;
 - d. Destroy, damage, deface or remove any marker, monument or other structure or object in the cemetery, or any fence, railing or wood installed for protection or ornamentation;
 - e. Cut any sod or move any corner posts or grave markers in the Cemetery;
 - f. Willfully destroy, cut, break, pick or injure any tree, shrub, or plant;
 - g. Plant any tree, shrub, or plant inside or outside any plot;
 - h. Drive a vehicle at a speed in excess of fifteen (15) kilometres per hour while in the Cemetery;
 - i. Ride an all-terrain vehicle, snowmobile, other vehicle or horse in the cemetery unless they are part of a funeral procession or are directly involved in the maintenance of the Cemetery;
 - j. Place on any plot, a chair, a wooden wired trellis, a wooden or wired cross or articles of glass or cellophane. The Caretaker shall remove such articles and dispose of them as necessary to maintain the integrity of the Cemetery;
 - k. Disturb the quiet and good order of the cemetery through improper noise, improper conduct, or other behavior deemed unbecoming in the Cemetery;
 - l. No person shall canvass for orders or distribute any business materials in the Cemetery; or
 - m. Enter the Cemetery carrying firearms unless the person is participating in a military funeral.
- 8.2 No Licensee shall change the grade of any plot and the County is authorized to restore to its original grade at the expense of the Licensee any plot that is altered in grade contrary to the provisions of this section.
- 8.3 The operator of any motor vehicle shall be responsible for any damage done by their vehicle within the boundaries of the cemetery.
- 8.4 Any person who violates any of the provisions of this Bylaw shall be liable for a fine as set out in the County's Master Rates Bylaw.

9. DONATED FUNDS

- 9.1 All donations, memorials, or monies received for the cemetery are to be used only for the purposes of the cemetery. A tax-deductible receipt will be used by the

County for any donations of twenty-five (\$25.00) dollars or greater.

This Bylaw comes into force on the date of the third and final reading done and passed in open Council with unanimous consent of the members present the 20th day of February, 2024.

FIRST READING February 20, 2024

SECOND READING February 20, 2024

THIRD AND FINAL READING February 20, 2024

Original Signed
Reeve

Original Signed
Chief Administrative Officer