

VILLAGE OF KITSCOTY

BYLAW 05-2013

A BYLAW OF THE VILLAGE OF KITSCOTY, IN THE PROVINCE OF ALBERTA TO PROVIDE REGULATIONS FOR THE USE, CARE AND MAINTENANCE OF THE KITSCOTY CEMETERY (TO BE KNOWN AS THE CEMETERY BYLAW)

1. DEFINITIONS

- a. "Cemetery" Shall mean land owned by the Village of Kitscoty set apart for or used as a place for the interment of the dead or in which human bodies have been buried, located part of the SE ¼ 27-50-3-W4.
- b. "Resident" Shall mean a person who resides within the Village of Kitscoty or who resides within the Kitscoty Schools attendance area as defined by Buffalo Trails Public School Division or a person, who, in their lifetime, has been a resident of said areas for a period of two consecutive years, providing proof of such residency."
- c. "Perpetual Care" Shall mean the basic maintenance of all graves and shall include leveling of the ground and seeding and cutting of grass as required. It shall not include the maintenance repair or replacement of monuments or markers.
- d. "Section" A division of land in a cemetery which is subdivided into plots
- e. "Plots" A sub-division of land in a cemetery comprising of up to 28 graves.
- f. "Village" Shall mean the Village of Kitscoty
- g. "Council" Shall mean the Council of the Village of Kitscoty.
- h. "CAO" Shall mean the CAO of the Village of Kitscoty who is also in charge of the cemetery.
- i. "Marker" Shall mean a memorial that is installed with the top (upper surface) flush or level with the ground.
- j. "Base" Shall mean the bottom part or lower portion of a monument.
- k. "Monument" Shall mean a memorial or tombstone which shall extend above the surface of the ground.
- l. "Licensee" Shall mean a person or persons who purchase a grave in the cemetery.

2. GENERAL RULES

- a. The cemetery will be open from 8:00 AM to 9:00 PM from May 1st to October 31, and from 8:00 AM to 5:00 pm from November 1st to April 30th
- b. Employees of the cemetery are not permitted to do any work for grave owners except upon order from the CAO, but are required to be civil and courteous to all visitors.
- c. All persons, while in the cemetery, shall conduct themselves in a quiet and orderly manner.
- d. No person shall turn loose or allow to go at large, or feed; any cattle, swine, horses, dogs, or any other animal in the cemetery.
- e. Persons within the cemetery shall use only the paths and roadways and no one is permitted to walk upon a grave where someone is buried.

- f. Persons visiting the cemetery or attending a funeral are strictly prohibited from picking flowers, wild flowers; wild or cultivated, breaking or injuring any tree, shrub, or plant, or from writing upon, defacing, or otherwise damaging any monument or marker fence or other structure within the cemetery grounds.
- g. Motor cars and vehicles in the cemetery shall travel only on the roadways provided for the purpose and shall not travel at a rate of speed greater than 20 kilometers per hour, except those vehicles for maintenance.
- h. Children under the age of 15 years of age are not permitted within the cemetery or its buildings unless accompanied by proper persons to take care of them.
- i. Receptacles for waste material are located at convenient places, hence, the throwing of rubbish on the driveways and paths or on any grounds or in the buildings is prohibited.
- j. After passing of this Bylaw, any fences, borders, railing, curbing, hedges, trellis or grave coverings of any kind erected previous to the passing of this Bylaw may be removed by the Village if by reason of neglect or age, it becomes in a state of disrepair and the Licensee neglects or refuses to repair or remove same within 30 days after a notice has been forwarded to him/her at the last known address.
- k. The cemetery hereby expressly reserves the right to adopt additional rules and regulations or to amend, alter or repeal any rule, regulation, article, section, paragraph or sentences in these rules and regulations at any time without notice.
- l. Out of respect, all work of any description shall cease while a funeral or interment is being conducted nearby. All trucks and workmen shall withdraw to a reasonable distance from the location for the funeral service.

3. GRAVE OWNERS

- a. The Village of Kitscoty shall make all sales of graves in the cemetery and receive all monies resulting from the sale of graves, and for all interments made in the cemetery.
- b. The Village of Kitscoty shall keep a correct account of all monies received there from and of all expenditures made in connection with the cemetery, with the name and description of each grave in the cemetery, with the name and description of the Licensee thereof and of every transfer and all other books necessary to keep a complete record of all business transactions by him/her in connection with the cemetery.
- c. The Council may grant a license to any person for the exclusive use by him, his heir, his executors, or Administrator of any grave, said Licensee to be subject to all provisions of this Bylaw and any amendments thereto, or any regulations passed from time to time by the Council.
- d. The fee for the said license and all charges for work done at the cemetery shall be in accordance with the rates out in Schedule "A" to this Bylaw or the Schedule may be amended from time to time by resolution of Council.
- e. Cemetery graves shall not be sold or transferred by the Licensee, but if not required by the Licensee, shall be transferred back to the Village of Kitscoty. In case of transfer to the Village, the Village will refund to the Licensee, all moneys paid by him less a transfer fee of \$25.00.
- f. No grave shall be used for any other purpose than for burial of a human body.

- g. The Village of Kitscoty shall take reasonable precautions to protect Licensees and the property rights of Licensees within the cemetery from loss or damage; but the Council or it's employees distinctly disclaim all responsibility for loss or damage from a cause beyond it's reasonable control, and especially from damages caused by the elements, an act of God, common enemies, thieves, vandals, strikes, malicious mischief makers, explosions, unavoidable accidents, invasions, riots, or order of any military or civil authority, whether the damage be direct or collateral other than as herein provided.
- h. It is the duty of the Licensee to notify the Village of any changes in his or hers Post Office address.

4. **INTERMENTS AND DISINTERMENTS**

- a. No interment shall be made in the cemetery until the provisions of the Public Health Act and Vital Statistics Act of the Province of Alberta have been complied with, and with any regulations issued there under and also, shall have complied with the provisions of the Bylaw.
- b. Before an interment is made in any grave, an application in writing shall be made to the Village of Kitscoty and all fees for services as set forth in Schedule "A" shall be paid by the applicant.
- c. Payment of any and all indebtedness due to the cemetery must be made before any interment is made.
- d. No interment of two or more bodies shall be made in one grave except in the case of adult and child or two infants buried in one casket or when bodies are cremated, interment of husband and wife and one child will be permitted in one grave and a family plot (husband, wife and children) will be permitted in two graves. The interment of one body and one or two cremations shall be allowed in one grave.
- e. Cremated remains may be interred in a lot after receiving authorization from the Village and upon payment of the fees set out in Schedule "A" attached.
- f. It shall be the duty of the Village to stake a lot before digging.
- g. No grave shall be less than 2 meters in depth from the surface of the ground in the case of an adult, and in the case of a child, a depth sufficient to give a covering of at least one meter over the casket.
- h. No person other than a funeral director shall have charge of the interment of any human body.
- i. Notice that an interment is to take place shall be given to the Village at least 36 hours before the interment is to take place during the period from November 1st to April 30th, and at least 24 hours before an interment is to take place during the period from May 1st to October 31st. This shall not apply in the case of a person who dies of a communicable disease.
- j. No person shall disinter or remove a body from any grave without first producing a written order from the Licensee of such grave and a permit for such disinterment or removal, from the Provincial Health Officer.
- k. By order of the Village Council, the CAO shall furnish graves in the cemetery without charge for the dead of indigent poor of any denomination.
- l. Interment shall be made only between the hours of 7:00 am and 5:00 pm on the days other than Sundays or Statutory Holidays (except in exceptional circumstances). In case of extreme necessity or danger of contagion or infection, a physician's certificate or by the Medical Health Officer will be required where interment is necessary on a Sunday or Statutory Holiday.
- m. No interment shall be permitted in the cemetery unless a proper burial certificate is produced by the party applying for the burial.

5. **CORRECTION OF ERRORS**

- a. The Village or any Official thereof shall not be responsible for any mistakes resulting from the lack of precise or proper instructions regarding the grave space on a plot where an interment is to be or has been made.

6. **CARE FOR GRAVES AND PLOTS**

- a. To obtain the best landscape effect, it is essential that the Council shall assume general care of the cemetery. The Licensee of graves shall observe all rules and regulations passed from time to time by the Council for keeping the graves in order.
- b. All grave surfaces are to be under the supervision of the Village of Kitscoty.
- c. A Licensee desiring care of their grave, may arrange for such care with the Village.
- d. No person shall be permitted to do any work on any grave except with the consent of the Village. However, Licensees, his heirs, his executors, or Administrators of any grave shall have the right to cultivated trees, shrubs, or plants for the purpose of adorning their graves providing such work is done under the supervision of and with the consent of the satisfaction of the Village.
- e. The CAO shall, from time to time, report to Council and Licensee on the condition of any monument or marker which is in disrepair and it shall be the duty of the owner of such monument or marker to repair the same, without delay to the satisfaction of the CAO.
- f. Whenever any owner of a monument or marker or cover neglect to make repairs or alterations, after being given due notice by the CAO, the CAO shall allow a period of 30 days to elapse after which time, he/she shall have the power to remove such monument or marker from the cemetery, or to repair such monument or marker and charge the cost thereof to the Licensee.
- g. No person shall remove the sod from a grave or plot, or from any portion of a grave or plot in the cemetery without first obtaining written consent from the Village.
- h. Fences, Borders, Railing, Curbing, Hedges, Trellises, Posts, or Grave Covering of any kind in or around a grave or plot in existence to the passing of this Bylaw will be removed free of charge by the Village of Kitscoty upon request by the Licensee.
- i. Any Fence, Border, Railing, Wall, Curbing, Hedge, Posts, Trellis, or Grave Coverings of any kind erected previous to the passing of this Bylaw may be removed by the Village, if by reason of neglect or age, it becomes in a state of disrepair and the Licensee neglects or refused to repair same within 30 days after notice has been forwarded to him at his last known address.
- j. The Village shall have the authority to remove all floral designs, flowers, weeds, trees, shrubs, plants or herbage of any kind from the cemetery as, in the judgement of the Village, they become unsightly, dangerous, detrimental or diseased.
- k. The Village reserves the right to prevent the removal of any flowers, floral designs, trees, shrubs, plant or herbage of any kind.
- l. No person shall give money or other reward to any employee of the Village working in connection with the cemetery, for cemetery services or attention.

7. **ENFORCEMENT OF RULES**

- a. The CAO is hereby empowered to enforce all rules and regulations and to exclude from the cemetery, any person violating same. The Village shall have charge of the grounds and buildings including the conduct of funerals, traffic, employees, and grave owners at all times.

8. **PLANTS AND SHRUBS**

- a. The Village of Kitscoty will undertake to maintain as may be practical, the planting of trees and shrubs to preserve and maintain landscape features, but will not undertake to maintain individual planting or urns of plants.
- b. The Village of Kitscoty shall not be responsible for frozen plants or herbage of any kind or for planting damaged by the elements, thieves, vandals or other cause beyond their control.
- c. If any trees, shrubs or plants situated on any plot or part thereof shall become in the opinion of the Village by means of its roots or branches in any way detrimental to any adjacent grave or plot, path, or driveway, or to the general appearance of the cemetery or dangerous or inconvenient to the public, the Village shall have the power to remove any such trees, shrubs, or plants or part thereof.
- d. No trees or shrubs located on any grave or plot shall be cut down or trimmed except by permission of the village.

9. **MONUMENTS, MARKERS, OR CORNERS**

- a. All Monuments and Markers shall be manufactured of Granite, Marble, Bronze, Field Stone or Composition Granite or Marble which is acceptable to the Council. Markers made of cement, wood, tin, or iron will not be permitted. However, temporary Markers may be placed by the Village.
- b. No Monument or Marker will be erected, altered or removed, inscription added, resurfaced, or repaired until all pertinent information required is supplied, all charges in connection therewith are established as set out in Schedule "A" attached are paid, and the required permit is approved by the Village.
- c. A Marker may be installed without foundation providing it is set so that the top is level (flush) with the ground surface.
- d. All Monuments must be set at the head of the grave or head centre of a grave and shall be in line designated by the Village.
- e. For the protection of grave owners, any person erecting, cleaning, repairing or removing monuments or markers shall furnish the Village of Kitscoty with all the necessary information required by him and shall obtain a permit after paying the fees set out in Schedule "A", "B", or "C" attached, and forming part of this Bylaw.
- f. The length of the base of a monument shall not exceed 75% of the width of the grave.
- g. No grave covers shall be constructed, only headstones or markers shall be erected as set out in this Bylaw.
- h. All workmen employed on any work in the cemetery shall comply with all orders from the CAO.
- i. Out of respect, all work of any description shall cease while a funeral or interment is being conducted nearby. All trucks and workmen shall withdraw to a reasonable distance from the location of the funeral services.
- j. Each monument shall be set on a concrete foundation constructed under the direction of the Village, and all specifications for the foundation shall be furnished by the said CAO for approval by him/her.
- k. The upper surface of each foundation shall be constructed to the surface level and in each case, the foundation shall project 16 centimeters on all sides of the base of the monument, to be erected thereon.
- l. In the erection of the monument, the CAO shall in all cases, designate the place where the material to be used for the erection of such monument is to be stored during the course of

the erection or excavating and all workmen moving any heavy material over any path, plot or grave shall move same on a plank or otherwise protect such path or grave from injury or damage.

- m. Heavy loads will not be allowed to enter the cemetery when the roads are in an unfit condition.
- n. No monument or marker shall be erected on a Sunday or Statutory Holiday and no work shall be permitted with the erection, repairing or cleaning of a monument or marker before sunrise or after sunset.
- o. All foundations must be at least eight (8) centimeters from the rear line of the grave or plot.

10. REPEAL AND EFFECTIVE DATE

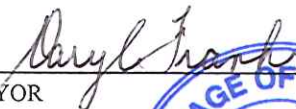
Bylaws 178 and 373 are hereby repealed.


This Bylaw shall take effect June 15, 2013.


Read a first time on the 21st day of May, 2013.

Read a second time on the 17 day of June, 2013

Read a third time and adopted on the 17 day of June, 2013


MAYOR


SEAL


CAO

SCHDEULE "A"
TO BYLAW 05-2013

Single Grave -	Resident	\$150.00 plus GST
	Non-Resident	\$500.00 plus GST
Double Grave -	Resident	\$300.00 plus GST
	Non Resident	\$1,000.00 plus GST
Permit for installing marker		\$20.00
Permit for installing monument		\$20.00
Permit for Cleaning, Repairing, or Removing Monument		\$20.00

SCHEDULE "B"
TO BYLAW 05-2013

Permit No: _____ Date: _____

Name of Monument Company: _____

Phone #: _____ Fax #: _____

Name of Purchaser: _____

Name of Deceased: _____

Address of Purchaser: _____

Phone No. of Purchaser: _____

Location of Grave: Section _____ Plot # _____ Grave # _____

Type of Monument:	Material Used:
___ Flat	___ Granite ___ Bronze
___ Pillow	___ Marble ___ Fieldstone
___ Upright	___ Composite Granite or Marble
___ Other Please Specify _____	___ Other Please Specify _____

Size of Monument:
Length: _____ Width: _____ Height: _____

* The length of the base shall not exceed 75% of the width of the lot. A concrete foundation is required. The upper surface of the foundation shall be constructed to surface level and shall project 16 centimeters on all sides of the base of the monument being erected. A Marker may be installed without a foundation providing it is set so that the top is flush with the ground surface.

* Description of the monument (give names, color, dates, etc.)

* Provide a sketch
Front View Side View

Application completed by: _____
Signature of Applicant: _____

FOR OFFICE USE ONLY

Monument approved for placement by: _____
Title: _____
Signature of Approver: _____
Date of Approval: _____

Payment Fee: _____ Method of Payment: ___ Cash ___ Cheque

Additional Comments: _____

SCHEDULE "C"

TO BYLAW 05-2013

PERMIT TO CLEAN, REPAIR, OR REMOVE A MONUMENT OR MARKER

Name of person doing the work: _____

Telephone #: _____

Name of Purchaser: _____

Deceased Name: _____

Address of Purchaser: _____ Phone No. _____

Location: Section _____ Plot _____ Grave _____

Purpose of permit: _____

Application completed by: _____

Signature of applicant: _____

FOR OFFICE USE ONLY

Permit approved by _____

Fee Received _____ Receipt No. _____

Date of Approval _____

Comments _____

