



## VILLAGE OF LOUGHEED BYLAW NO. 786-19

**A BYLAW OF THE VILLAGE OF LOUGHEED, IN THE PROVINCE OF ALBERTA, BEING ENACTED FOR THE PURPOSE TO PROVIDE FOR THE CONTROL AND REGULATION OF LOUGHEED CEMETERY. THIS BYLAW SHALL BE KNOWN AS THE "CEMETERY BYLAW."**

**WHEREAS**, The Village of Lougheed owns and operates a cemetery on land described as Part of NE ¼ - 29 – 43 – 11 –W 4<sup>th</sup> in the Province of Alberta;

**AND WHEREAS**, the Council of the Village of Lougheed deems it necessary to pass a bylaw respecting the operation of Lougheed Cemetery owned by the Village of Lougheed.

**AND WHEREAS**, under and by virtue of the authority conferred upon it by the Municipal Government Act, (M.G.A.) R.S.A. 2000, Chapter M-26, as amended or repealed and replaced from time to time, authorizes the Village of Lougheed to regulate services provided by or on behalf of the Municipality;

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

### **PART I DEFINITIONS**

For the purpose of this bylaw the following terms (unless the context specifically requires otherwise) shall have the following meanings:

- a) "**Burial**" means the interment of human remains or cremated human remains in a grave;
- b) "**Cemetery**" shall mean Lougheed Cemetery;
- c) "**Council**" means the Council of the Village of Lougheed
- d) "**Flowering Ornamental**" shall mean any perennial, annual or bi-annual flowering plant;
- e) "**Foundation**" means any structure for the purpose of supporting or providing a base for a monument;
- f) "**Grave**" means a lot used as a place of burial;

- g) **"Interment"** means the excavation of a grave to the required depth and size, the placing (but not the provision) of an outer receptacle, the backfilling of the grave and the removal of any excess earth;
- h) **"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; means a box placed in a grave to house a casket
- i) **"Maintenance Officer"** means the person placed in charge of the Cemetery by the Village of Lougheed;
- j) **"Marker"** shall mean a memorial of granite, marble, bronze or other material being flush with the ground;
- k) **"Monument"** shall mean a memorial of granite, marble, bronze or other material, which extends or rises above the ground to within a certain height;
- l) **"Owner"** means a person, heir, executor or authorized funeral director, with burial privileges for one or more plots
- m) **"Plot"** means a grave for the placement of dead human bodies or other human remains or the ashes of dead human remains that have been cremated;
- n) **"Perpetual Care"** means the maintenance in perpetuity and in proper manner of the lots, plots or other space in the cemetery;
- o) **"Undertaker"** shall mean any registered or licensed embalmer or mortician, or any other person authorized by Provincial Statute to inter deceased persons;
- p) **"Village"** shall mean the Municipality of the Village of Lougheed, a Corporate Body in the Province of Alberta;
- q) **"Violation Ticket"** means a ticket issued pursuant to Part 2 of the Provincial Offenses Procedures Act, R.S.A. 2000, c. P-34, as amended or repealed and replaced from time to time, and the regulations thereunder.
- r) **"Woody Ornamental"** shall mean any trees, shrubs and creeping or climbing plants;

## Part 2 – Duties, Rights and Powers

1. The operation of the Cemetery shall be in accordance with the Cemeteries Act, R.S.A. 2000, c.C-3, as amended or repealed or replaced from time to time;
2. The Village of Lougheed Administration shall be responsible for the selling of plots, the keeping of all necessary records and the collecting of fees and charges in connection with the Cemetery;
3. All fees and charges in connection with the sale, use and care of plots, and/or other facilities which are or may in the future be offered in connection with the Cemetery operation, shall be in accordance with Village of Lougheed Master Rate Bylaw No. 771-18 and forming part of the Bylaw, or as may be amended from time to time by Council;
4. Cemetery information is available at the Village of Lougheed Administration Office.
5. The Maintenance Officer is hereby authorized to remove, or have removed, any weeds, grass, funeral designs or floral pieces which have become wilted, or any other article or thing which, in the opinion of the Village and Maintenance Officer, is unsightly;
6. When, in the opinion of the Maintenance Officer, any structure located on all or part of a plot, other than a Monument or marker, is in a state of disrepair, the Maintenance Officer shall notify the Owner or the owner's agent in writing, via registered mail, to the last address provided to the Town, and require repairs be undertaken within a specified time frame.
7. Any structure for which a notice has been provided pursuant to section 6, which is not repaired within the specified time period may be removed and the Maintenance Officer shall retain possession of the structure for at least THIRTY (30) days. Upon expiry of the THIRTY (30) day period, Council may direct that the structure be retained for a further period of time, be disposed of by public auction or such other directions as Council deems appropriate.
8. If any tree, shrub or other plant situated in any Plot shall, by means of its roots, branches or otherwise, in the opinion of the Maintenance Officer or the Village, becomes detrimental or dangerous to the adjacent Plots or visitors to the Cemetery, the Maintenance Officer may direct that the tree, shrub or other plant be pruned or removed. The cost of such work shall be paid by the Owner or the Owner's agent within THIRTY (30) days of receiving an invoice from the Village;

9. No person shall erect upon or around a Plot any fence, railing, wall, stone coping, hedge or such similar thing;
10. Where any fence, railing, wall, stone coping, hedge or such similar thing has been previously erected upon or around a Plot, prior to the coming in force of this Bylaw, the Owner or Owner's agent shall maintain the same in a neat and aesthetically acceptable condition. Where, in the opinion of the Maintenance Officer or the Village, any fence, railing, wall, stone coping, hedge or such similar thing has, by reason of age or neglect, become unsightly or objectionable, the Village may cause that structure to be removed. The cost of removal or restoration, if required, may be charged against the Owner, the Owner's agent or the person who erected the structure, as determined by the Village, in their sole discretion.

### **Part 3 – Plots or Compartments**

1. Burial Plots shall be available for the burial of human remains at all times and may be obtained from the Village upon payment of the appropriate fees as set out in Schedule A.
2. No Plot shall be used for any purpose other than as a burial site for dead human bodies or other human remains or the ashes of dead human bodies or other human remains that have been cremated. Any ashes either within a compartment or bagged must be buried in a plot. Scattering of ashes within the property of the Loughheed Cemetery is strictly forbidden;
3. No Plot shall contain more than one (1) dead human body in a casket and four (4) cremations buried in a single plot at any one time unless written permission has been received from the Village;
4. No Owner of a Plot may sell or transfer the same to any other person, except the Village. An offer for resale to the Village must be in writing and signed by the Owner or legal representative of the owner;
5. Where the Village receives a written offer to repurchase a Plot or Compartment pursuant to section 4, the Village shall purchase the Plot or Compartment and shall pay 85% of the market value of the Plot or Compartment calculated as of the day the Village receives the written offer; [85% is the minimum payable according to the regulations]
6. Notwithstanding the provisions of section 5, a Plot or Compartment may be transferred between members of the same family provided notice of this intention, including written consent of the Owner or the legal representative of the Owner, is submitted to the Village prior to the transfer. No transfer to a family member is valid unless it is the subject of a written consent issued by the Village.

7. Regardless of the specific wording of any sale agreement or other agreement between the Village and a purchaser of a Plot, it is a condition of every agreement relating to the sale or use of a Plot, that the parties to the agreement expressly waive any right to claim against the Village and its officers and employees, arising by reason of any error or mistake in relation to the description of any burial plot.

#### **Part 4 – Interment or 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 interment or disinterment shall be permitted in the Cemetery unless a permit issued by the proper office of the Government of the Province of Alberta is produced by the party applying for the interment or disinterment to the Chief Administrative Officer;
3. The owner or person applying for the interment or disinterment permit shall be responsible for all costs and charges in connection with an interment or disinterment and shall comply with the requirements of this Bylaw and the Cemeteries Act, R.S.A. 2000, c.C-3, as amended or repealed and replaced from time to time;
4. No interment shall occur without written proof of ownership of the Plot, or without written consent of the owner or legal representative of the owner, where the permit holder is not the owner;
5. All applications for a burial permit shall be made at least 48 hours before the time of interment. In the calculation of this time limit, Sundays and holidays shall not be included;
6. All burials shall occur within the confines of a single Plot at the discretion of the Village or Chief Administrative Officer;
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. The person requesting a disinterment shall give complete and precise instructions regarding location of the grave. The Village of Loughheed shall not be responsible for any errors resulting from lack of proper instruction;

## **Part 5 - Monuments**

1. No person shall install, erect or place within the Cemetery, any Monument, marker or structure without first obtaining written approval from the Chief Administrative Officer.
2. The Chief Administrative Officer, upon receiving a written request for the placement of a Monument or Marker, may request such information as may, in the opinion of the Chief Administrative Officer, be required to ensure that the Monument or Marker is placed in a manner that accords with this bylaw and any Village policy, and may place conditions upon any approval granted;
3. Only one (1) Monument shall be placed per plot;
4. 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. The foundation must be 8" larger than the Monument or Marker on all sides to provide for maintenance of cemetery.
5. A Monument or marker placed upon any Plot shall be maintained in proper state of repair;
6. No Plot shall be covered, or partially covered by a concrete, stone or other type of slab, except where such a covering was already purchased prior to the coming into force of this Bylaw;
7. Inscriptions on Monuments or Markers must be of sufficient depth and quality so as to be legible and durable;
8. No inscription shall be placed on any Monument or Marker which is not in keeping with the dignity and decorum of the Cemetery;

## **Part 5 – Maintenance**

1. The Maintenance Officer, under the direction of the Chief Administrative Officer, shall be responsible for the full maintenance of the Cemetery grounds;
2. The Village and/or Maintenance Officer shall have no obligation to maintain individual Plots, Monuments or other structures placed on Plots other than general mowing & grass control as required;
3. No person shall throw, abandon or otherwise dispose of rubbish anywhere within the cemetery except in the receptacles specifically provided for that purpose by the Village;

4. No person shall change the grade of any Plot without due notice given to the a. Village of Loughheed.
5. No person shall place any item on or adjacent to a Plot, which in the opinion of the Maintenance Officer or Chief Administrative Officer of the Village, restricts or hamper's regular maintenance activities;
6. No person shall plant any shrub, tree or flowers in any part of the Cemetery without first obtaining written approval from the Chief Administrative Officer of the Village, as applicable;
7. 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;

## **Part 8 – Cemetery General Provisions**

1. No person shall drive any vehicle through the Cemetery at a speed exceeding 15 KM, or upon any part of the Cemetery except for the roadways provided specifically for vehicular access;
2. No person shall ride an All-Terrain Vehicle, snowmobile, or horse in the Cemetery except as part of a funeral procession;
3. The owner of any vehicle causing or contributing to damage to a Plot, Compartment, Monument, structure, or any part of the lands, or facilities of the Cemetery shall be responsible for cost and expenses incurred by the Village as a result of that damage;
4. No person shall enter the Cemetery carrying a firearm unless such person is participating in a military funeral and has lawful authority to bear such a firearm;
5. No person shall destroy, damage, alter, write on, deface, injure or remove any Monument, marker, structure, railing, fence, or other work for the protection, maintenance or ornamentation of the Cemetery, Columbarium or Plot, or any vehicle, building, machinery, tool, equipment, or any other material placed or left in the Cemetery
6. No person shall destroy, cut, pick, break or injure any tree, shrub or plant in the Cemetery;

7. No person shall create any nuisance, engage in activities such as games or sport, or otherwise engage in any activity that is, in the opinion of the Maintenance Officer, a Peace Officer or Bylaw Enforcement Officer, indecent or disrespectful, disturbing to the solemnity or repose of the Cemetery, or disturbing of other persons assembled for the purpose of a funeral or interment within the Cemetery;
8. No person shall turn loose, ride or allow going at large of 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 manner as to protect such grass, shrubbery, monuments, markers and covers from injury;
10. . Any regulations not followed regarding structures on burial plots will result in the removal of said structure at the owner's expense;
11. . In the event of winter access for interment, the Village of Loughheed will invoice the Funeral Home Company for any snow clearing and/or extra maintenance at a fee that reflects current Village of Loughheed Public Works Rate Sheet for that year.
12. . All financial donations and contributions gathered during funeral services shall be allocated to the Loughheed Cemetery and income tax receipts will be the responsibility of the recipient;

## **Part 9 – Offences & Penalties**

1. Any person who contravenes a provision of this Bylaw is guilty of an offence and is liable to pay a fine not exceeding \$5,000 exclusive of costs, for such breach thereof, or in the case of non-payment of the fine and costs imprisonment for a period not exceeding 60 days.
2. The Chief Administrative Officer or a Bylaw Enforcement Officer is hereby authorized and empowered to issue Violation Tags to any person who the Chief Administrative Officer or Bylaw Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
3. A Violation Tag may be issued to such person:
  - a) Either personally; or
  - b) By mailing a copy, via registered mail, to such person at his or her last known postal address.
  - c) The Violation Tag shall be in a form approved by the Chief Administrative Officer and shall state:
  - d) The name of the person; The offense; The appropriate penalty for the offense as specified in Schedule “B” of this Bylaw;



- e) That the penalty shall be paid within 21 days of the issuance of the Violation Tag; and,
- f) Any other information as may be required by the Town.

- 4. Where a Violation Tag is issued pursuant to this Bylaw, the person to whom the
- 5. Violation Tag is issued may in lieu of prosecution of the offense, pay the Village the penalty specified in the Violation Tag.

**Part 10 – Severability**

- 1. Should any provision of this Bylaw be found invalid, the invalid provision shall be severed and the remaining bylaw shall be maintained.

**Part 11- Enactment**

This Bylaw shall have force and take effect on the final reading thereof.

READ A FIRST TIME THIS 19<sup>TH</sup> DAY OF SEPTEMBER, A.D., 2019

READ A SECOND TIME THIS 17<sup>TH</sup> DAY OF OCTOBER, A.D., 2019

READ A THIRD TIME THIS 17<sup>TH</sup> DAY OF OCTOBER, A.D., 2019

READ A THIRD AND FINALLY PASSED THIS 17<sup>TH</sup> DAY OF OCTOBER, A.D., 2019

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MAYOR

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CHIEF ADMINISTRATIVE OFFICER