

**BY-LAW NO 384/09**

A By-Law of the Village of Alix, in the Province of Alberta, to provide for the control, care and regulating the use of the Alix Cemetery.

Whereas, the Council of the Village of Alix, in the Province Alberta, deem it wise, equitable and practical to regulate the use of the Alix Cemetery, and

WHEREAS, the Council of the Village of Alix in the Province of Alberta wishes to maintain and keep the cemetery grounds in a sightly manner, and

WHEREAS, the Municipal Government Act, RSA 2000 authorizes Council to set regulations governing cemeteries, and

NOW THEREFORE, the Council of the Village of Alix in the province of Alberta, in Council duly assembled, enacts as follows:

1. SHORT TITLE AND DEFINITIONS

1.1 This By-Law shall be known and may be cited as the "Cemetery By-Law" of the Village of Alix.

1.2 In this By-Law unless the context otherwise requires, definitions shall be:

~ CEMETERY means all cemeteries operated by and under the control of the Village of Alix.

b) COUNCIL shall mean the Municipal Council of the Village of Alix.

c) COUNCILORS mean the Councilors of the Village of Alix.

d) COMMITTEE means the Cemetery Committee whose members are appointed by the Village of Alix Municipal Council.

e) VILLAGE means the Village of Alix.

f) PLOT. BLOCK, AREA means:

i) Plot - full burial 3' X 8'

-  
cremation  
2' X 2'

Full Burial(casket and rough box)

Cremation Burial (urn containing human ashes)

Full Burial Plot - space for:

- one full burial
- two full burials if a double dig
- four cremation urns
- one-full burial and two cremation urns

Cremation Plot

space for:  
two cremation urns

ii) Block - eight plots

iii) Area - a larger section of plots or blocks: as shown for each on a plan of the cemetery on record in the office of the Village Alix.

g) MEMORIAL TABLET means a structure of bronze, marble or granite or other material approved by the Village for memorial purposes placed on any grave or plot level with the surrounding ground.

~ MONUMENT means a structure of bronze, marble or granite or other material approved by the village which projects above the level of the surrounding ground.

i) VAULT means a permanent, free-standing structure designed for storing human bodies that have been cremated or embalmed until time of burial.

j) Village shall mean the village of Alix, a Municipal Corporation within the Province of Alberta.

## 2. GENERAL PROVISIONS

2.1 All the powers granted to the Committee by this ByLaw shall be subject to the supervision and control of Council.

2.2 The Village shall have charge of the cemetery and shall exercise control over all persons employed therein.

2.3 The Chief Administrative Officer or his designate of the Village shall be responsible for the sale of lots in the cemetery, the keeping and making of all records required by law or such other records and plans as may be ordered by the Council and for the collecting of all fees and charges in connection therewith.

2.4 All persons who purchase plots shall be held responsible for the cost thereof and for all charges in connection therewith.

2.5 Any cemetery plot that has been reserved and of which the Village has not received payment within two months from the date of being reserved may revert back to the Village for resale. Cemetery plots reserved may be resold by the purchaser but such transaction must be reported to the Village.

2.5.1 Presale of plots will only be authorized for spouse or immediate family members of an interned individual.

2.6 No vehicle shall travel through the cemetery at a greater rate of speed than ten kilometers per hour.

2.7 No person shall ride or drive a vehicle on any portion of the cemetery not designated as roadway or parking lot. The owner of any vehicle shall be responsible for any damage done by such vehicle.

2.8 Any person requiring vehicle access to the Alix cemetery must obtain a key from the Village Municipal Office.

2.9 No person shall destroy, damage, deface or write upon any monument, memorial tablet or other structure or object in the cemetery.

2.10 The general regulations governing the cemetery shall apply to the Vault. Only Village personnel shall have access to the Vault key.

2.11 The Village shall have the right to remove from the cemetery any person who disturbs the quiet or good order of the cemetery whether by noisy or improper conduct or otherwise.

2.12 Notices required to be given to any person under this By-Law may be given either verbally or in writing by the Village Office. If required to be in writing a notice mailed postpaid to the last known address of such a person shall be deemed sufficient notice to that person.

3 . MONUMENTS

- 3.1 All persons employed in the construction of burial vaults, erection of monuments or doing other work in the cemetery whether employed by the Village or not shall be subject to the direction and control of the Committee.
- 3.2 All persons employed in the construction of monuments and the erection of monuments shall be required to purchase a work permit from the Village prior to commencing work.
- 3.3 No person or persons may erect or cause to be erected, any enclosure or railing around a cemetery plot, block or area.
- 3.4 Any existing enclosures or railings must be kept in repair and in a sightly condition or such enclosures or railings may be removed by the Village.
- 3.5 No covering or slab shall be placed over any plot in Phase III of the Alix Cemetery.
- 3.6 Any monument, or memorial tablet being placed over any plot shall first meet the approval of the Village and such placements may be made only after permission has been granted by the Village.
- 3.7 Placement or erection of memorial tablets or monuments are the responsibility of the parties concerned but the placing or erection thereof shall be at the direction of the Village.
- 3.8 Bases of monuments, and memorials must be at least six inches wider than the widest portion of the stone and of sufficient depth to support the weight being imposed thereon, and the top of the base must be level with the surface of the surrounding area.
- 3.9 In a full burial plot with an existing monument, additional cremation burial monuments must be a brass plaque on a ground level cement pad abutting the e x L sting monument at the head of the grave on the eastward side. In a full burial or cremation plot without an existing monument one large monument to accommodate all the names or a ground level cement pad with memorials that do not exceed 6" in overall height.
- 3.10 Any existing slab or covering in a broken or unsightly condition may be removed by the Village on orders of the Council and the cost of such removal may be charged to the owner of such plot or his or her next of kin.
- 3.11 Any broken or unsightly covering or enclosure on plots whose owners cannot be identified may be removed by the Village.
- 3.12 No person shall plant any trees, shrubs, plants, or perennials on any plot.
- 3.12.1 Upon Approval of Council trees may be planted in designated areas of the cemetery designated by the Village.
- 3.13 If in the opinion of the Committee any existing trees, shrubs, plants or perennials on any plot become detrimental to adjacent plots, walks or driveways, or prejudicial to the general appearance of the grounds, the Committee shall have the right to order the owner to remove such trees, shrubs, plants or perennials. If the owner cannot be identified or does not carry out the order in a reasonable length of time the Village may carry out the order as stated.

4. INTERMENTS

4.1 All applications for burials shall be made at least forty-eight hours before the time of interment.

4.2 No burial shall be permitted in the Cemetery unless, and until, there shall have been produced and shown to the Village, a Burial Permit issued by the proper official of the Province of Alberta or such other written authority as may be required from time to time under the laws of the Province of Alberta.

4.3 The Village or any employee thereof shall not be responsible for any mistake resulting from lack of precise or proper instructions regarding the grave space in a plot where an interment is to be or has been made, or for damage resulting to any person thereby.

4.4 The body of a person shall not be interred in the same grave in which a body has previously been interred unless the first body has been buried at a depth of at least eight feet from the surface of the ground to the bottom of the grave.

4.5 Two urns shall be allowed to be buried in a plot which a casket has been previously interred provided they can be buried to a depth of at least two feet.

4.6 Two urns are permissible per cremation plot on the approval of the village.

5. DISINTERMENT

5.1 Upon receipt of a permit from the Provincial Medical Officer by the funeral home the Village will re-open a grave site for removal of the casket or urn by the funeral home.

5.2 No body shall be disinterred from any grave without a written order from the owner of such grave and without such owner having first produced a permit or such disinterment from the proper official from the Province of Alberta.

6. FEEES

6.1 Fees shall be set by resolution of Council.

6.2 A work permit fee shall be in accordance with Schedule "B" attached, which forms part of this Bylaw.

7. PENALTIES

7.1 Any person who destroys, damages, defaces or writes upon any monument or memorial tablet or other structure or object in the cemetery in contravention of Section 2.9, General Provisions, of this By-Law shall be guilty of an offence, and liable upon summary conviction to a fine of not less than \$500.00 and to a total fine of not more than \$2,500.00 plus all costs of restoration and in default of payment to imprisonment for a period not exceeding six months.

7.2 Any person who is guilty of an offence under this Bylaw for which a penalty is not otherwise provided is liable upon summary conviction to a fine of not less than \$100.00 and not more than \$1,000.00 and in default of payment to imprisonment for a period not exceeding 30 days.

7.3 Notwithstanding the foregoing, a person charged with an offence under this By-Law may make a voluntary payment at the Village Office at any time up to 10 days after the date the offence ticket is issued and in such case, prosecution for the offence will not proceed.

7.4 The voluntary payment shall be as follows:

- i) for a first offence in a calendar year, \$25.00.
- ii) for a second offence in a calendar year, \$50.00.
- iii) for a third or subsequent offence in a calendar year, \$100.00.

7.5 Where an alleged offender has made payment under this By-Law and is prosecuted under a summons issued for the offence in respect of which such payment has been made, such payment will be refunded.

7.6 If an alleged offender does not pay the penalty amount, then such person may, by summons, be required to appear in Court and shall be liable on summary conviction to pay a minimum fine equal to the penalty amount plus Court costs.

8. SEVERABILITY

8.1 Should any section or part of this Bylaw be found to have been improperly enacted or ultra vires, for any reason, then such section or part shall be regarded as being severable from the Bylaw and the Bylaw remaining after such severance shall be effective and enforceable as if the section found to be improperly enacted had not been enacted as part of this Bylaw.

9. REPEAL OF PREVIOUS BYLAWS, AMENDMENTS AND SCHEDULES:

9.1 BYLAW NUMBER #239/95 Cemetery Bylaw and BYLAW NUMBER 287/98 - Amendment to Cemetery Bylaw #239/95

10. EFFECTIVE DATE

This By-Law shall come into force and effect on final reading thereof.

Read a first time this 17 day of June, 2009.

Read a second time this 1<sup>st</sup>; day of June, 2009.

Read a third time this 1<sup>st</sup> day of June 2009.

*C. Peterson*

Mayor

CAO

*[Signature]*

"SCHEDULE A"  
Fee Schedule

<u>Tax Certificates</u> (requested by persons not owing the property)	25.00
Tax Certificates (requested by registered owner)	no charge
<u>Compliance Certificates</u> (requested by persons not owning the property) ~ 100.1P	
Compliance Certificates (requested by registered owner)	no charge
<u>N.S.F. Cheque</u>	25.00
<u>Copies</u> of minutes or bylaws (After one month of passing)	1.00 per page
<u>Rental of old tables</u> from Community Hall	1.00 per table
Rental of old chairs from Community Hall	.50 per chair
<u>Campground Rental</u> per stall per night	
Monthly Campground Rental	20.00 per stall 300.00 per stall
<u>Community Hall Rental</u>	
Including kitchen and hall	
Including kitchen, hall and bar	100.00 per day
Funeral service only, no luncheon	150.00 per day
Funeral service, with luncheon	75.00
Full weekend including kitchen and hall	100.00
Friday night, Saturday and Sunday	200.00 per weekend
Full weekend including kitchen, hall and bar	
Damage-Deposit	250.00 per weekend
Pop canisters	200.00 35.00 e\$h
<u>Alix. Fire Hall Meeting Room</u>	
Groups "under the Village umbrella"	30.00 per use
'Under the Umbrella': an organization which is controlled, directed, governed or under the supervision of the Village of Alix Council	no charge
<u>Pins</u>	3.00 including G.S.T.
<u>Village Photos</u>	8.00 including G.S.T.
<u>Cemetery</u> full burial plots	
Cemetery cremation burial plots	200.00 per plot
Open and close for cremation burials	75.00 per plot
Work Permits for Monument Companies	100.00 per burial
<u>Grazing</u>	25.00 per plot
<u>Tax Lien</u>	25.00 per permit \$50.00 per property

Schedule "B" .

Cemetery Work Permit

Date: \_\_\_\_\_  
Fee: \$25.00  
Name of Company: \_\_\_\_\_  
Contact Person: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Plot Description: \_\_\_\_\_

The holder of this permit agrees to complete the necessary work in an expedient and conscientious manner. The worksite is to be left completely level and clear of debris. All work must be completed by 4:00 p.m. of the above date on this permit,

The holder of this permit assumes any or all risk involved and absolves and saves harmless the Village of Alix or any of its employees of any liability.

I have read, understand and agree to the above conditions: