



**TOWN OF CLARESHOLM
PROVINCE OF ALBERTA
BYLAW #1790**

A Bylaw of the Town of Claresholm to provide for the control, care and regulating the use of the Claresholm Cemetery.

WHEREAS the *Cemeteries Act*, being Chapter C-3 of the Revised Statutes of Alberta, 2000 and amendments thereto, provides that a municipality may authorize the purchase, maintenance and control of cemeteries; and

NOW THEREFORE, THE COUNCIL OF THE TOWN OF CLARESHOLM, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:

SECTION 1 TITLE

- 1.1 This Bylaw may be cited as the “**CEMETERY BYLAW.**”

SECTION 2 GENERAL

- 2.1 No person will bury a human body within the limits of the Town except in the cemetery in accordance with the provisions of this Bylaw.
- 2.2 The Town cemetery is solely for the purpose of the burial of dead human remains and for the memorialization of dead humans.

SECTION 3 DEFINITIONS

- 3.1 In this Bylaw, unless the context otherwise requires:
- a) “**Act**” is the *Cemeteries Act*, being Chapter C-3 of the Revised Statutes of Alberta 2000, as amended from time to time, and any regulations enacted thereunder.
 - b) “**Adult**” is any person eighteen years of age or over.
 - c) “**Block**” is a group of lots or plots within a cemetery.
 - d) “**Burial**” is the interment of human remains in an earth plot or inurnment of cremated human remains in an earth plot or a columbarium niche or the act of burying a deceased person.
 - e) “**Burial Rights**” is the purchased rights of burial in plots or columbarium niches sold in accordance with the provisions set out in Schedule “A” of this bylaw, and the Contract as set out in Schedule “B” of this bylaw.
 - f) “**Bylaw**” is a bylaw of the Town of Claresholm.
 - g) “**CAO**” is the Chief Administrative Officer of the Town of Claresholm or their designates.
 - h) “**Cemetery**” is the land legally described as Block 1 Plan 9210486 within the Southwest quarter of Section 23, Township 12, Range 27, West of the fourth meridian, that is set apart or used as a place for the burial of dead human bodies or other human remains or in which dead human bodies or other human remains are buried, which is owned operated and under the control of the Town.
 - i) “**Cemetery Services**” is the supplying of any service to be rendered at the cemetery in respect to any plot or niche, burial rights, perpetual care, opening and closing of graves at time of need, and permit to erect a monument.
 - j) “**Child**” is any person two years of age and under eighteen years of age.
 - k) “**Columbarium**” is a permanent, freestanding structure containing a number of small enclosures, or niches, designed for the storing of cremated human remains.
 - l) “**Concrete Base**” is a rectangular piece of support concrete four (4) inches in thickness with the top surface installed flush with the surrounding ground and not less than 2,500 P.S.I. And the concrete base must project six (6) inches beyond the Monument.
 - m) “**Concrete Liner**” is a concrete box placed in the ground to enclose totally a casket (includes a protective casket) in a grave in the cemetery, designed and built to support the weight of the earth and standard cemetery maintenance equipment and to prevent the grave from collapsing.

- n) **“Concrete Vault”** is a lined and sealed burial receptacle which performs all the functions of the concrete liner, and in addition is designed and constructed using one or more lining and sealing materials to increase the overall tensile strength of the finished unit and to reduce the risk of the intrusion of exterior elements.
- o) **“Continuous Concrete Foundation”** is a strip of concrete used for the placement of monuments.
- p) **“Contract”** is the agreement made and signed between the purchaser of the burial rights in the cemetery or his/her representative for any services requested to be done within the cemetery.
- q) **“Coping”** refers to the stone “walls” that are used to enclose some **cemetery** lots
- r) **“Council”** is the elected Councillors and Chief Elected Official of the Town of Claresholm.
- s) **“Cremains”** are the cremated remains of a human corpse and also called “ashes.”
- t) **“Cremation”** is the reducing to ashes of a human corpse.
- u) **“Cremation Plot”** is a two-foot by two-foot space within the cemetery designated for cremated remains of a dead human body.
- v) **“Director of Infrastructure Services”** is the person with authority to supervise and have charge of the Cemetery, subject to the powers delegated to him/her by Council and the CAO.
- w) **“Disinter”** is to exhume or to remove human remains or cremated human remains from a grave or out of the earth or remove from the columbarium; dig out of the earth or ground.
- x) **“Enforcement Officer”** means a Community Peace Officer, or a Bylaw Enforcement Officer, or a Municipal Enforcement Officer, or a member of the Royal Canadian Mounted Police (RCMP), or a member of a municipal police service.
- y) **“Flat Monument”** is a monument of granite, marble or bronze the top of which must be aligned with the level of the ground in which it is set.
- z) **“Foundation”** is a permanent support providing a base for a monument.
- aa) **“Grave”** is a plot that has been opened or used as a place of burial or an opening dug in a burial plot for the purpose of the interment of human remains or cremated human remains.
- bb) **“Holiday”** is all general holidays proclaimed by the Town of Claresholm, the Province of Alberta, or the Government of Canada.
- cc) **“Infant”** is any person under two (2) years of age.
- dd) **“Interment”** is the burial of human remains in a grave or the act of burying a deceased person.
- ee) **“Inurnment”** is the placement of cremated human remains in a niche or burial plot.
- ff) **“Lot”** is a group of plots within the old section of the cemetery.
- gg) **“Memorial Tree Structure”** is a structure in the cemetery where individuals may purchase a tree and a memorial bronze plaque in memory of a loved one.
- hh) **“Monument”** is a structure in the cemetery, which projects above the level of the surrounding ground, for the purpose of memorialization.
- ii) **“New Cemetery”** refers to Blocks A to L and AA and BB in the Town of Claresholm Cemetery.
- jj) **“Niche”** is a single compartment of a columbarium for cremated human remains.
- kk) **“Old Cemetery”** refers to Block 1 to Block 18 of the north portion of the Town of Claresholm Cemetery.
- ll) **“Open and close”** is the digging and preparation of the grave, the repairing of any damage to the grave caused by cave-ins, etc., filling the grave, levelling and re-establishing the grass on the grave and does not include the removal or placement or re-placement of monuments and or foundations.
- mm) **“Perpetual Care”** is the ongoing care of lots, plots, graves, columbarium, and town-owned monuments.
- nn) **“Pillow Monument”** is a rectangular, flat, or sloped section of granite, marble, bronze or other material set so that the highest portion of the top of the pillow is not more than **eight** inches measured vertically from the concrete foundation.
- oo) **“Plot”** is a four foot by ten-foot space within the new section of the cemetery. Those plots located in the old cemetery may have varying lengths and widths.

pp) **“Pre-need Contract”** is a contract for the provision (purchase) of burial rights prior to the death of the person for whose benefit the contract is entered into.

qq) **“Scattering Grounds”** is the designated area within the Claresholm Cemetery for scattering cremains.

rr) **“Scattering Grounds Memorial Structure”** is a structure within the cemetery where scattered cremains are memorialized by placing a bronze plaque.

ss) **“Town”** is the Town of Claresholm, in the Province of Alberta, a municipal corporation.

tt) **“Upright Monument”** is a rectangular section of granite or marble set so that the highest portion of the top of the monument will not be more than thirty-six inches, measured vertically from the concrete foundation.

uu) **“Vehicle”** is the same meaning as it has in the Highway Traffic Act, R.S.A. 1980, Chapter 30.

vv) **“Veteran”** is a former member of Her Majesty’s Armed Forces as determined by the Department of Veteran’s Affairs Canada.

SECTION 4 PERPETUAL CARE

- 4.1 Perpetual Care to be supplied by the Town means and includes: seeding of lots, grave surfaces, re-seeding when necessary, cultivation as may be necessary in connection with such seeding and re-seeding, seasonal cutting of grass and weeds, keeping plots in neat condition and of good appearance, maintenance of columbarium and Town-owned memorialization structures, and such other work as may be authorized by the CAO.
- 4.2 Perpetual Care to be supplied by the Town will not include the care, maintenance, upkeep, repair of, handling of, removal of, or replacement of any monument, plaque, or similar object which has been placed, or may in the future be placed in the cemetery regardless whether such placing has Town approval or not.
- 4.3 Upon the payment by any person of the full price of the burial rights in any plot, columbarium niche, or the memorialization rights for Town-owned monuments, the Town will, so far as funds are available, do all that is necessary to keep the said plot, and the columbarium and Town-owned monument structures in a neat and tidy condition.
- 4.4 Grave, Infant and Cremation sites purchased prior to April 23, 1990 shall be charged the appropriate perpetual care fee at the time the grave site is utilized.

SECTION 5 POWERS AND AUTHORITY OF THE CAO AND DIRECTOR OF INFRASTRUCTURE SERVICES

- 5.1 All the powers granted to the CAO and Director of Infrastructure Services by this Bylaw will be subject to the supervision and control of Council.
- 5.2 The Director of Infrastructure Services is responsible for the operation of and maintaining order in the cemetery. This includes the general supervision, charge and control of the management and operation of the cemetery.
- 5.3 The CAO must keep a permanent record of all sales, location description, and the name(s) of any person(s) buried in any lot, plot or niche, together with the date of any purchase and burial, and all information as required in the Cemetery Contract, attached hereto as Schedule “B”.
- 5.4 The Director of Infrastructure Services will have charge of the cemetery and of all persons employed therein and of all works of whatsoever nature are carried out therein and will be charged with the duty of seeing that the said cemetery is kept in good order.
- 5.5 Only persons under the control and supervision of the Director of Infrastructure Services will open any grave for a burial of or the removal of, a dead body or the cremated remains.
- 5.6 The Enforcement Officer has the right to remove from the cemetery any person who disturbs the quiet or good order of the cemetery whether by noise or improper conduct or otherwise.

SECTION 6 PRE-NEED SALES

- 6.1 A contract for the reservation of burial rights in plots or niches, or the rights to memorialize on town-owned monuments or memorial wall must:
 - a) be in writing; and
 - b) be signed by the purchaser and the CAO or authorized designate; and

- c) state the name of the salesperson and the name of any Funeral Home acting for the purchaser
- 6.2 The contract for reservation of burial rights will become valid and binding upon receipt of acceptable payment by the Town.
- 6.3 The contract for the purchase of burial rights in a plot or niche, or the contract for the purchase of the rights for memorialization on a town-owned monument will include perpetual care and permission to erect a monument. Plots and niches purchased prior to April 23,1990 will be charged for perpetual care and permission to erect a monument as set forth in Schedule "A" in this Bylaw at the time of use.
- 6.4 All persons who purchase burial rights in the cemetery will be responsible for the cost thereof and for all charges incurred now and, in the future, as set forth in Schedule "A" in this Bylaw.
- 6.5 The owner of the burial rights of a plot or niche, may authorize the use of such plot or niche for the interment of another person by submitting to the Town the name of the person to be interred and into which plot or niche. Such authorization must be in writing and signed by the owner of the burial rights or as per the Act.
- 6.6 All persons who purchase burial rights in plots or niches, or the rights for memorialization on Town-owned monuments in the cemetery will be responsible for compliance with the Regulations governing the erection of monuments as outlined in Section 10 of this bylaw.
- 6.7 No person will accept any fee or reward for a burial or the resale of burial rights in a plot or columbarium niche of which such a person is the owner of the contract for burial rights, or over which they exercise any power or control.
- 6.8 It will be the condition of each sale of burial space in the Cemetery that the purchaser expressly waives any claim arising by reason of any error or misdescriptions of any burial space. The Town undertakes that it will attempt, in so far as is reasonable or possible, to avoid such errors, but its liability will only extend to refund in case of error of any money paid to the Town for the burial rights in a plot or columbarium niche, or the rights for memorialization on a Town-owned monument, or the Town will undertake to make available equivalent quality of plots or niches, or space on a Town-owned monument, in lieu of those originally allocated.

SECTION 7 TERMINATION OR CANCELLATION OF BURIAL RIGHTS

- 7.1 The purchaser may cancel the contract at any time for any reason. The purchaser may cancel without charge or penalty at any time during the period from the day the contract is entered into until 30 days after receipt of a copy of the contract. If cancelled after 30 days, payment will be required for burial rights and any cemetery supplies and cemetery services that have already been supplied, performed or delivered, as the case may be.
- 7.2 Upon receipt of an application and upon proof of ownership, the Town may redeem the burial rights in vacant graves in the cemetery and in columbarium niches, and the memorial rights to a town-owned monument in the cemetery on the basis of the original purchase price for the actual plot or niche, including perpetual care fees paid.
- 7.3 Cancellations or redemption after 30 days will be subject to an administration fee as per Schedule A.
- 7.4 Where G.S.T. was applicable to the original purchase price, it will be refunded based on the purchase price refunded.
- 7.5 "Proof of Inheritance" When the owner of the burial rights in a plot or niche, or memorialization rights on a Town-owned monument dies and burial rights pass to the new owners, before the new owners can obtain registration of their interest to it, the Town requires proof of their right to such interest.

SECTION 8 BURIALS, INTERMENTS, INURNMENTS, DISINTERMENTS

- 8.1 No burial, placement of cremated remains or disinterment will take place in the cemetery unless and until there is produced and shown to the Town the following documents:
 - a) Burial, death and/or cremation certificate or permit or disinterment 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.
 - b) A completed contract for burial or disinterment acknowledging receipt of payment in full, or approval of credit by the CAO for work to be done at the expense of the Town, and signed by the owner (or his/her personal representative), of the burial rights:

- i) Name of the Deceased Person,
- ii) Last known residence of the deceased,
- iii) Block, Lot (if applicable) and Plot Numbers,
- iv) Date of Death,
- v) Day and Date of Burial/Disinterment,
- vi) Arrival Time at Cemetery,
- vii) Type of Outer Box and Name of Vault,
- viii) Sex of Deceased,
- ix) Date of Birth of Deceased,
- x) Place of Birth of Deceased,
- xi) Name of Firm and Individual making arrangements,
- xii) Name and address of plot owner or personal representative,
- xiii) Owner of burial rights or his/her personal representative making arrangements, and signature,
- xiv) The service number of a Veteran/and if required the service number of a Veteran Spouse,
- xv) The acknowledgment of payment in full, of fees and charges or the approval of credit by the CAO as set forth in Schedule "A" of this Bylaw.

- 8.2 The owner of the burial rights of a plot or niche may authorize the use of such plot/niche for the interment of a person by submitting to the Town, the name of the person to be interred and into which plot/niche. Such authorization must be in writing and signed by the owner or his/her personal representative.
- 8.3 Columbarium niches must be used for the inurnment of cremated human remains and must not be used for memorialization purposes only.
- 8.4 The Town may request proof of purchase to identify the plot and/or prove the right to use the plot.
- 8.5 It will be the condition of each sale of burial space in the cemetery that the purchaser expressly waives any claim arising by reason of any error or misdescriptions of any burial space. The Town undertakes that it will attempt, in so far as is reasonably possible, to avoid such errors, but its liability will only extend to refund in case of error, of any money paid to the Town for the burial rights in a plot or columbarium niche, or the rights for memorialization on a Town-owned monument, or the Town will undertake to make available equivalent quality of lots or niches, or space on a Town-owned monument, in lieu of those originally allocated.
- 8.6 Any person signing a contract for interment or disinterment will be responsible for the prepayment of all charges in connection with such service as set forth in Schedule "A" of this bylaw.
- 8.7 Any child of a deceased interred in a plot is deemed to have the authority to give permission for interment in that plot. The order of disposition set forth by the Act will be followed.
- 8.8 The Town accepts no responsibility for a burial site not prepared due to the late arrival of a concrete liner or vault.
- 8.9 All interments in the New Section within Blocks J, K and L require the installation of a concrete vault.
- 8.10 Funeral Directors must close the casket/coffin and fasten it securely before it is lowered into the ground.
- 8.11 ~~No~~ Full burial or funeral service will **only** be permitted in the cemetery on a ~~Sunday~~ **weekend or Holiday with a written request received a minimum of 3 business days prior to the burial or service, and upon approval of the Director of Infrastructure or designate,** except:
 - a) with special permission in writing to the CAO, which may only be granted in cases of special emergency, such as danger of contagion or infection, or in case of an epidemic, or by order of the Provincial Board of Health; or

- b) circumstances which, in the opinion of the CAO, justifies an exception. An application for special permission herein must be made to the CAO not less than sixteen (16) regular working hours prior to the date of interment.
- 8.12 If a child or adult grave is required to be opened, a minimum accumulation of sixteen (16) regular working hours prior to the time set for the interment must be given.
- 8.13 For a Monday burial excluding a statutory or declared holiday, notice must be supplied by 12:00 Noon the Friday prior.
- 8.14 If, under extreme or adverse weather conditions, more time is required to prepare burial sites, the Town will notify the parties involved of the extra time required, and this extra time will remain in effect until further notice.
- 8.15 The CAO and/or Designate reserve the right to limit the number of burials within a working day, or assessing fees accordingly.
- 8.16 All burials are to be made within the confines of designed plots. There must be a minimum of twelve (12) inches of earth between remains buried in adjoining plots and a minimum of two (2) feet of earth covering a concrete outer box. Grave depth will be 1.5 metres.
- 8.17 For disinterment, the Town's responsibility will end at the point where the soil is sufficiently excavated to permit access to the body for removal by the attending Funeral Home.
- 8.18 Any disinterment of a casket burial or ashes burial where no permanent outer box was used will be **triple** the disinterment fee as set forth in Schedule "A" of this bylaw.
- 8.19 The Town will not be responsible for the condition of remains or the container of the remains.
- 8.20 The old cemetery is closed to the sale of any remaining unsold burial sites. Only sites with presold burial rights shall be allowed to be used for burials of caskets or cremated remains.
- 8.21 In the new section of the cemetery, Blocks J, K and L, concrete vault installation is mandatory for burial of human remains.

SECTION 9 MULTIPLE BURIALS IN PLOTS

- 9.1 No more than one body will be buried in a single grave except a parent and an infant when both are in the same casket/coffin.
- 9.2 No cremation inurnments will be permitted in any traditional casket burial plot prior to any traditional casket burial.
- 9.3 A maximum of two (2) cremains will be permitted in any full-sized plot after a traditional casket burial is already in that plot. Any additional placement of cremains will be at the discretion of Council.
- 9.4 The placement of cremains in a plot must be as required by the Director of Infrastructure Services.
- 9.5 More than one (1) cremains in a single cremation plot will be permitted only when inurnment of multiple cremains is done in a single opening of a cremation plot and contained in a single urn.
- 9.6 Columbarium niches allow for placement of two (2) cremains.

SECTION 10 MONUMENTS, MEMORIALS AND INSTALLATIONS

- 10.1 All monuments being placed in the cemetery require an Application for Permit (Schedule "C") to be completed and approved before any work is permitted to commence.
- 10.2 All monuments and their placement in the cemetery shall be pre-approved by the Director of Infrastructure Services.
- 10.3 All memorial tablets, monuments and markers shall be placed on a concrete, granite, or marble foundation that is flush with the surrounding ground and set on a four (4) inch gravel base and must be a minimum of four (4) inches thick and be of a material suitable for the support of a monument.
- 10.4 The foundation must extend a minimum of three (3) inches above and below and six (6) inches on the sides of the monument.

- 10.5 The maximum width, left to right, of monuments, monument foundations and bases will be determined by the number of plots the monument is intended to service. At no time may the monument, including its foundation, exceed the combined total width of the plot(s).
- 10.6 The maximum depth of a monument (not including foundation) is 18 inches.
- 10.7 All monuments must be constructed of granite, marble, or bronze.
- 10.8 Flat metal monuments must be set in or on a suitable concrete, granite or marble foundation.
- 10.9 If a tablet, monument or marker protrudes from the foundation it must be of a minimum height of 3 inches above the foundation on all sides, which is flush to the ground.
- 10.10 Upright monuments must be on a granite, marble, or concrete base, on top of the foundation, and be of a thickness not greater than eight (8) inches and not less than four (4) inches.
- 10.11 Additional memorial markers may be installed on plots to identify the interment of cremated remains, provided the additional **plaques or markers are incorporated on the existing monument.** ~~monuments are flush to the ground.~~
- 10.12 A bronze plaque must be purchased from the Town for installation on the Memorial Tree display structure. Upon completion of the Memorial Tree Application Form and, after payment of the appropriate fee is received, the plaque will be ordered and placed. The choice of tree and its placement will be dependent on availability, season and weather. The deceased person memorialized on a bronze plaque need not be interred in the Claresholm Cemetery. A record of the deceased will be kept if the purchasers wish to provide such information.
- 10.13 A bronze plaque purchased for placement on the Scattering Grounds Memorial Structure will be reported to the Town. When cremains have been scattered in the Scattering Grounds a copy of the death or cremation certificate are required and the burial/placement will be recorded in the cemetery record.
- 10.14 All costs of construction, erection and installation of any foundation, base, or monument must be borne by the person requiring the same, and any work in the Cemetery in connection therewith must be done by workmen approved by the Town. Before any such work is undertaken, an Application for Permit (Schedule "C") must be completed and approved by the Town.
- 10.15 All persons who purchase burial rights in lots or columbarium niches, or the rights for memorialization on a Town-owned monument in the cemetery will be responsible for compliance with this bylaw.
- 10.16 Inscription on the Columbarium will be permitted only on the granite slab provided for the niche. Inscription of the name, and date of birth and date of death will be for the maximum of two (2) deceased persons. All fees relating to the Columbarium will be in accordance with Schedule "A" of this bylaw.
 - 10.16.1 Bronze plaques must be purchased from the Town for marking all niches on "Columbarium 3". Inscription directly on "Columbarium 3" will not be permitted. All fees relating to the Columbarium will be in accordance with Schedule "A" of this bylaw
- 10.17 No monument may be placed, altered or removed from any plot until the Application for Permit (Schedule "C") is submitted to and approved by the Town, along with any fee as set out in Schedule "A" of this bylaw.
- 10.18 An Application for Permit (Schedule "C") must be completed and approved by the Town to erect a monument and any fees as set forth in Schedule "A" to this Bylaw must be paid to the Town before the monument can be placed.
- 10.19 No monument may be placed over any plot except such as will meet the requirements of this bylaw and such placements may be made only after permission has been granted by the Town.
- 10.20 All earth, debris, litter, and rubbish arising or resulting from work done on any plot by or on behalf of the owner of the burial rights must be back filled, carefully cleaned up and removed from the cemetery by the said owner or his/her contractor or workmen.
- 10.21 All monument work is subject to review, inspection and approval of the Town.
- 10.22 All monuments must be installed facing onto the plot regardless of previous installations.
- 10.23 All foundations and monuments must be confined within the boundaries of the respective lots, and all monuments must be placed in a manner as to maintain a proper alignment consistent with monuments on adjacent lots.
- 10.24 Only one monument may be placed upon a single standard plot.

- 10.25 ~~Only flat~~ Monuments ~~may~~ must be placed at the head of the plots, including cremation or urn plots.
- 10.26 Only one monument may be placed for each space of the rights for memorialization on Town-owned monuments and be made of materials described in this bylaw.
- 10.27 The purchaser or his/her designate of the burial rights is liable and responsible for damages resulting from theft, vandalism or damage howsoever caused to monuments erected upon a plot.
- 10.28 The Town accepts no responsibility for the maintenance of monuments due to normal wear or deterioration. Minor scraping of the base portion of upright monuments due to the turf mowing operation is considered normal wear.
- 10.29 No vases or solar lights will be allowed to be placed on the grass.
- 10.30 Restoration of the immediate work area and access points used by monument workers is the responsibility of the permit holder for the monument. Restoration must be completed to the satisfaction of the Town.
- 10.31 No tablet, monument, plaque, fence, coping, enclosure or structure will, except as provided, be removed by any person from any plot in the Cemetery without completion and approval by the Town as per Schedule "C".

SECTION 11 OPERATION AND MAINTENANCE

- 11.1 Clearing of Debris:
All earth, debris, litter and rubbish arising or resulting from work done on any plot by or on behalf of the owner of the burial rights therein must forthwith be carefully cleaned up and removed from the Cemetery by the said owner or his/her contractor or workmen.
- 11.2 Dilapidated Graves:
The CAO or Designate will endeavor to contact Next-of-Kin of the deceased. The CAO or Designate will have the right to remove fences, coping and other encumbrances and structure, including flat monuments heretofore or hereafter erected which by reason of neglect or age have in his/her opinion become objectionable.
- 11.3 Flowers, Trees, Shrubs and Plant Material:
 - a) No trees, plants, shrubs, flowers or any other thing intended for growth will be planted, seeded, grown or maintained on any plot in the Cemetery unless permission for the same is first obtained from the Town, and the Town may remove or prevent the placing of any stand, holder, vase, or other receptacle for flowers or plants which is deemed to be unsuitable for such purpose or unsightly in appearance.
 - b) If any trees, shrubs or plants growing or situated on any plot become, in any way, detrimental to adjacent lots, walks or driveways, or prejudicial to the general appearance of the Cemetery or dangerous or inconvenient to the public, the Town will have the right to enter upon the said plot and remove said trees, shrubs or plants or such parts thereof as may be considered detrimental, dangerous, inconvenient or objectionable.
 - c) No person will injure any tree, shrub or plant growing in the Cemetery, or pick or destroy any flower growing therein, or write upon, mark, scratch or deface any amenity, monument, plaque, cross, fence, gate, building or structure within or around the Cemetery.
 - d) The Town will not accept responsibility for lost or damaged floral arrangements under any circumstances.
 - e) No person will place artificial flowers or potted plants on any plot in the Cemetery unless the flowers or plant are totally contained in a vase that is part of a permanent monument, and no part of the floral arrangement or potted plant is in contact with the grass. Arrangements or potted plants that are not totally contained in a permanent vase attached to a monument will be removed.
 - f) Flowers, funeral designs or floral pieces will be permitted on the grave the day of the burial for a period of five calendar days. The Town will have the authority to remove any funeral designs or floral pieces, which may become wilted, or any other article or thing after the expiration of five (5) days from date of service.
 - g) The CAO or Designate will have full authority for and will be responsible for maintaining order in the cemetery, and for removing from any plot, flowers, wreaths or funeral pieces or anything else that in his/her opinion makes the said plot untidy or unsightly, or interferes with maintenance.

h) Flowers, funeral designs or floral pieces may be placed only at the base of the Columbarium, unless placed in a vase on the Columbarium monument. Placements on the top of the Columbarium are prohibited.

i) No person will place or deposit a glass encased wreath or any stand, holder, vase, receptacle, jar, bottle or pot made of glass or other breakable material on any plot.

j) The Town reserves the right to plant all perennial flowers, shrubs and trees and to landscape or to carry out any improvements to the grounds.

k) No flowerbeds will be permitted on individual graves in the Cemetery.

l) Donations of plant material will be gratefully accepted. Placement is at the discretion of the Town.

m) The Cemetery has been designated as the location for a Memorial Tree Program. Individuals may purchase a memorial tree and have a plaque dedicated in honour or memory of a friend or loved one.

11.4 General:

a) No fence, railing coping or any other enclosure structure of any kind other than a monument or plaque, which is in accordance with the provisions of this bylaw, will be erected or installed on any plot of the Cemetery.

b) No vault or similar structure may be erected, constructed or be placed in the Cemetery except such vaults as are totally buried and the highest point are at least 2 feet below the soil surface, and where the size is such as to fit grave excavations of a normal size in the Cemetery.

c) The Town will remove from the cemetery or from any plot therein any tablet, monument, plaque, cross, fence, railing, coping, other enclosure, structure, thing, tree, shrub, plant, growing thing, or any inanimate object, which is within the Cemetery or in, upon or around any plot, that may have been placed without proper authority or permission as prescribed or required by any of the provisions of this bylaw, without notice to any interested person.

d) No plot or grave will be raised above the level of the surrounding ground.

11.5 Special Sections:

a) Council may designate special sections in the cemetery. The following areas are hereby designated by Council:

i) Old Cemetery

ii) New Cemetery

iii) Field of Honor

iv) Cremation Section

v) Cremation Columbarium

vi) Infant/Baby Section

vii) Scattering grounds.

b) Notwithstanding the above, interment of any remains to which the above categories apply will not be limited to the above designated sections.

11.6 Indigent and Unclaimed Bodies:

Indigent burials shall be subject to the rules governing such burials at the time of interment as established by Provincial Regulations.

SECTION 12 PUBLIC ACCESS

12.1 Cemetery Hours:

a) No persons other than an employee of the Town will enter or remain in the Cemetery between sunset of one day, and sunrise of the next day unless authorized by the Town of Claresholm.

b) The Cemetery will be open to the Public between the hours of sunrise or 8:00 am and sunset or 9:00 pm, whichever occurs first, every day of each year.

12.2 Animals:

No domestic animals will be brought into or permitted to be within the Cemetery except that pets may be carried in vehicles provided that they are not allowed out of the vehicle.

- 12.3 Firearms/Salutes:
Salutes involving the discharge of firearms will be permitted only for military funerals and provided that the Town is notified in advance. The Royal Canadian Mounted Police must approve the use of any ammunition.
- 12.4 Injury:
The Town will not be responsible for any injury resulting to any person who enters the cemetery.
- 12.5 Paths and Walkways:
All persons walking in the Cemetery will keep to the paths and walkways, and will not walk upon or across any plot except for maintenance operations.
- 12.6 Picnics and Parties:
No picnic or other parties or gatherings, except for funerals or some ceremony or observance permitted by the Town will be held or be allowed within the Cemetery and no person, without the permission of the Town will be or remain within the Cemetery during the hours of darkness in any day.
- 12.7 Vehicles:
- a) No vehicle, carriage or conveyance will travel within the said Cemetery at a greater speed than 15 kilometers per hour. Travel must be on driveways wide enough and intended for vehicular travel.
 - b) The owner of any moving vehicle will be responsible for any damage done by such vehicle within the boundaries of the Cemetery.
 - c) The Town may prohibit the driving of vehicles in any part of the cemetery.
 - d) The Town may prohibit the driving of any vehicle in the cemetery when the roads are in an unfit condition.
 - e) The Town may specify times and conditions under which motor vehicles may be in the Cemetery.

SECTION 13 OFFENCES

- 13.1 A person who:
- a) Willfully destroys, mutilates, defaces, injures or removes any monument, gravestone or other structure placed in the Cemetery, or any fence, railing or other work for protection or ornament of the Cemetery, or plot within the Cemetery, or
 - b) Willfully destroys, cuts, breaks or injures any tree, shrub or plant in the Cemetery, or
 - c) Plays at any game of sport in the Cemetery, or,
 - d) Discharges firearms in the Cemetery, except at a military funeral, or,
 - e) Willfully and unlawfully disturbs persons assembled for the purpose of burying a body in the Cemetery, or,
 - f) Willfully brings, or otherwise allows, a domestic animal within the cemetery grounds, intentionally or unintentionally, unless contained within a vehicle at all times, or,
 - g) Commits a nuisance in the Cemetery, is guilty of an offence as set forth in the Cemeteries Act.

SECTION 14 FINES

- 14.1 Any person violating any of the provisions of this bylaw or any other person responsible for such violation shall be liable to a penalty of:
- a) \$500.00 per offence,
 - b) Where remediation is required to repair any damages caused by the offender, those charges will be added to the fine.
- 14.2 Where any Enforcement Officer believes that any person has committed a breach of this bylaw he/she may serve upon such person a notice.
- 14.3 Service of any such notice shall be sufficient if it is:
- a) personally served,
 - b) served by mail, and is deemed to have been received on the fifth (5th) day following the date of its mailing,
 - c) attached to the vehicle in respect of which the offence is alleged to have been committed.

SECTION 15 PASSAGE OF BYLAW

15.1 **Bylaw #1650 and all amendments** thereto are hereby repealed.

15.2 This Bylaw shall come into effect **on January 1, 2025**.

READ a FIRST time in Council this 12th day of August 2024 A.D.

READ a SECOND time in Council this 9th day of September 2024 A.D.

READ a THIRD time in Council and finally passed in Council this 9th day of September 2024 A.D.

Brad Schlossberger
Mayor

Abe Tinney
CAO

BYLAW# 1790

SCHEDULE "A"

Burial Rights:	
Burial plot & permit fee *	750.00 + GST
Cremation plot & permit fee	300.00 + GST
Columbarium:	
Columbarium Niche	1,200.00 + GST
Memorial Tree Program:	
Memorial Tree	275.00 + GST
Memorial Tree Plaque	150.00 + GST
Services:	
Open & close – Full Burial – April 1 to October 31	500.00 + GST
Open & Close – Full Burial – November 1 to March 31	750.00 + GST
Open & close – Cremation – April 1 to October 31	250.00 + GST
Open & close – Cremation – November 1 to March 31	375.00 + GST
Open & close – Columbarium Niche	200.00 + GST
Late funeral surcharge (after 3:00 p.m. arrival)	250.00 + GST
Weekend/holiday surcharge	600.00 + GST
Disinterment with permanent concrete vault	Triple the Open & Close fees
Disinterment without permanent outer box surcharge	Double the disinterment fee
Perpetual Care per burial site	450.00 + GST
<ul style="list-style-type: none"> Grave, Infant and Cremation sites that were purchased prior to April 23, 1990 shall be charged the appropriate perpetual care rate at the time the grave site is utilized. 	
Administration fee on cancellation of plot purchase (after 30 days)	100.00 + GST

* No charge for plot in the Field of Honor section for a Veteran with proof of service (i.e. service number).

Schedule B - Claresholm Cemetery Contract for Sales and Services: attached

Schedule C - Application for Permit: Monument Installation or change of existing Monument