

BYLAW NO. 960-20

Wrentham Cemetery Bylaw

A Bylaw of the County of Warner No. 5, in the Province of Alberta, for the purposes of establishing control of the Wrentham cemetery operations, and hereby known as the "Wrentham Cemetery Bylaw".

WHEREAS, the County of Warner No. 5 is recognized as the owner of cemeteries as defined in the Cemeteries Act, RSA 2000, Chapter C-3;

WHEREAS, the Wrentham Cemetery is located upon the property legally described as Plan 4636GS, Cemetery, containing 0.96 of an acre more or less (which is a portion of the NW 31-6-16-4);

THEREFORE, the Council for the County of Warner No. 5, duly assembled, enacts as follows:

1. **PURPOSE**

- a. The purpose of this bylaw is to establish a bylaw to control the operations of cemeteries owned by the County of Warner No. 5.

2. **DEFINITIONS**

- a. Caretaker means the person hired to maintain the cemetery by resolution of the Wrentham Community Centre.
- b. Cemetery means land 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 and owned by the County of Warner No. 5.
- c. Committee means an Advisory Committee that may be formed to advise and recommend to the Council on matters required in the performance of this Bylaw.
- d. Fees mean a Schedule of Fees and Charges as established by the Committee.
- e. Lot means a single grave site.
- f. Maintenance means both short- and long-term care of the cemetery.
- g. Monument: for the purpose of this Bylaw, a monument shall be understood to be any permanent memorial structure.
- h. Municipality means the County of Warner No. 5.
- i. Plot means two or more lots shown on a plan and officially recorded with the Committee.

3. **CONTROL**

- a. The municipality may delegate its authority to the Committee with respect to the control and maintenance of the cemetery.
- b. The Committee shall supervise all sales of lots and plots.
- c. Two copies of all burial records, the sales of lots and plots, and reservations shall be maintained. One copy of all records shall be forwarded to the municipality prior to June 30th in each year.

4. **SALES AND RESERVATIONS**

- a. The Committee shall from time to time review the prices for all lots and plot sales, the charges for opening and closing of lots, and the maintenance fees. When changes are made the committee shall inform the municipality of the new rates.
- b. Lots in the cemetery shall be sold by the Committee. Should financial hardship be proven, the Committee may make agreements with the purchaser of a lot as it sees fit.
- c. Reservations for one or more lots or plots may be made. However, if after 180 days the lots or plots are not paid for, they will be forfeited.

- d. If approved by the Committee, lots and plots may be transferred for no more than the original purchase cost set by the Committee.
- e. It is a condition of every sale that the purchaser expressly waives any claim arising by reason of any error or mis-description of any burial plot. The Committee undertakes that it will attempt, insofar as it is reasonably possible, to avoid such error, any money paid to the Committee for a lot or lots and it undertakes to make an equivalent quality of lot or lots available.
- f. Application for interment should be made 36 hours prior to the time established for burial from May to October inclusive, and 48 hours during the months of November to April inclusive, not including weekends, unless other arrangements are agreed upon.

5. MONUMENTS

- a. The owner of each lot shall erect thereon a monument or headstone subject to the provisions of the Committee on cemetery monuments within 12 months of the burial.
- b. The caretaker is to approve any headstone or monument prior to placement on the grave.
- c. It is the lot owner's responsibility to maintain the monument in a manner acceptable to the committee.
- d. No person shall place upon any monuments the name of a dealer, supplier or manufacturer.
- e. Vertical monuments, tombstones or markers placed above the level of the ground will be allowed.
- f. All memorials must be of granite, marble, limestone or bronze unless otherwise approved in writing by the Committee.
- g. The outside back of any monument on any adult grave, whether it be upright or flat, must be placed exactly sixteen inches from the boundary at the head of the lot. On a child's (under the age of 12 years) grave, the outside back of any monument must be placed exactly twelve inches from the boundary at the head of the lot.
- h. All foundations for erecting memorials shall be made of concrete and must extend not less than six inches around the complete base of the memorial and must be level with the surface of the ground.
- i. No monument work except markers shall be delivered to a cemetery until the foundation is completed and until the contractor is ready to proceed with the work of erection.
- j. The behavior of all workmen employed by others upon cemetery property shall be subject to the control of the Caretaker. Contractors, masons, and stone cutters shall lay planks on the lots and paths over which heavy materials are to be moved in order to protect them from injury.

6. CARE OF LOTS

- a. To ensure neatness, and to preserve the beauty of the cemetery, the caretaker shall approve the placement and removal of:
 - i. wreaths, flowers and other removable mementos.
 - ii. flowers, shrubs, weeds and grass growing upon graves.
- b. No person other than the Caretaker shall remove any growing plants, flowers, slips, or cuttings from anywhere in the cemetery.
- c. No person shall place artificial flowers or potted plants on any plot in the Cemetery during May 1st to September 30th inclusive on any year unless the artificial flowers or potted 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.
- d. During the Period of May 1st to September 30th of each year, only fresh flowers in an unbreakable spike container will be permitted on any turf area of landscaped graves adjacent to the monument. The flowers will be removed by the Caretaker during turf mowing operations, at which time they will be disposed of. The container will remain in place as long as only fresh flowers are placed in the container. Artificial flowers placed in the container will be disposed of along with the container.

- e. 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 Director shall 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 5 days from the date of service.
- f. No flowerbeds will be permitted on individual graves in the Cemetery.

7. MISCELLANEOUS PROVISIONS

- a. The cemetery shall not be used for any purpose other than burial grounds for dead human bodies and human cremated remains.
- b. All burials are to be made within the confines of a single lot. There must be a minimum of twelve (12) inches of earth between remains buried in adjoining lots. There shall not be more than two burials in a single adult grave space and there shall be a minimum of three (3) feet of earth above the outer shell. Double burial in one lot must be indicated at the time of sale of the lot. All graves shall have a cement liner.
- c. There shall not be more than six (6) containers of cremated remains permitted per single lot. There must be a minimum of two and one half (2 1/2) feet of earth placed over each container.
- d. Provisions may be made to inter more than one stillborn body within the confines of one lot. There must be a minimum of one (1) foot of earth between remains buried in such communal graves, with at least three feet of soil over the uppermost casket.
- e. No person shall drive a vehicle in the cemetery except at a moderate rate of speed and then only upon the roadway provided for the purpose thereof. The caretaker may at his/her discretion prohibit the entrance of vehicles into the cemetery when the roads are not fit for vehicles. The owner of any motor vehicle shall be responsible for any damages done by such a vehicle within the boundaries of the cemetery.
- f. No person shall disturb the quiet and good order of the cemetery by noise or any other improper conduct.
- g. Any person who willfully damages or destroys or removes any tomb, monument, gravestone or any other structure placed in the cemetery or any railing or other work for the protection or ornamentation of the cemetery or burial lot, or willfully damages or destroys any tree, shrub or place in the cemetery, or any person who in the cemetery discharges firearms (save at military funerals) or commits a nuisance, shall be prosecuted to the fullest extent of the law.
- h. That all gravesite preparation contractors must be approved by the Committee.

8. ROLE OF COMMITTEE

- a. There is hereby established a Committee which shall consist of three members who are residents of the County of Warner and they are as follows:
 - I. one resident at large who may have an interest in the cemetery,
 - II. one member from the Wrentham Community Centre, and
 - III. one municipal Councilor for the Wrentham and surrounding area who shall be appointed by resolution of County Council from time to time.
 - IV. The appointment and the possible contract of a caretaker is the responsibility of the Wrentham Community Centre and may have an advisory role to the committee.
- b. The Committee members' term of office shall be for four years, to run concurrently with the municipal election year.
- c. The positions of Chairman and Secretary of the Committee shall be elected from within for a one-year term.
- d. The Committee shall operate, maintain and manage the cemetery.
- e. Subject to the provisions of this bylaw and any policy thereto, the Committee may determine all rules of procedure for the conduct of its meetings, policies, procedures, and the setting of a fee schedule to cover costs for operating and maintaining the cemetery subject to final approval from the municipality.

9. GENERAL

- a. The municipality may enter into an agreement with another third party for the performance of this bylaw if a Committee is not established.

- b. Any person who violates any of the provisions of this Bylaw shall be liable of a summary conviction before a Justice of the Peace having jurisdiction therein, to a penalty not exceeding One Thousand Dollars (\$1,000), exclusive of any remedial or court costs, for breach thereof, or in the case of non-payment of the fines and costs, imprisonment in the nearest common jail for any period not exceeding sixty (60) days.
- c. This Bylaw may be amended by resolution of Council.

Bylaw 916-15 is repealed as of the date of third reading of this Bylaw.

THIS Bylaw SHALL COME INTO FORCE AND EFFECT ON THE FINAL DAY OF PASSING THEREOF.

Read a first time this 3rd day of March 2020

Read a second time this 3rd day of March 2020

Read a third time and finally passed this 3rd day of March 2020

REEVE

ADMINISTRATOR