

VILLAGE OF CAROLINE

BY-LAW 2018-007

A BY-LAW OF THE VILLAGE OF CAROLINE, IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR THE OPERATION, CONTROL AND REGULATION OF THE CAROLINE CEMETERY.

WHEREAS, pursuant to the provisions of the Municipal Government Act, S.A. 1994, Chapter M-26-1 and amendments thereto, the Council of a municipality is authorized to pass By-Laws to provide services, facilities or other things that, in the opinion of Council, are necessary or desirable for all or a part of the municipality; and

WHEREAS, a Council of a municipality may pass by-laws for municipal purposes, respecting people, activities and things in, on or near a public place or place that is open to the public; and

WHEREAS, the Village of Caroline is the title-holder of lands, one mile south of the municipal boundary, S.E. ¼ 11-36-6 W5, and described as Lot 1, Block 1, Plan 982 1068; and

WHEREAS, the Village of Caroline and the community established a Cemetery in 1953, with a Parking Lot area added in 1976, and an additional 02 acres donated in 1999 which was developed in 2001; and

WHEREAS, these lands owned by the Village have been set apart for the establishment and continual development of the Caroline Cemetery,

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

1. SHORT TITLE:

That this By-Law shall be cited as the "Caroline Community Cemetery" By-Law.

2. DEFINITIONS:

In this By-Law, unless the context otherwise requires, the word, term, or expression,

Administrator – shall mean the Municipal Administrator or Chief Administrative Officer, as appointed by the Village.

Base – shall mean the lower or bottom part or portion of the monument, put in place to carry the monument that sits on top of the Foundation.

Block – shall mean a division of lands in the cemetery which is further subdivided into plots.

Burial Permit – A legal document issued by a regulatory authority authorizing final disposition of human remains.

Caretaker – shall mean the personnel actually working at the Cemetery, under the direction and supervision of the Village.

Cemetery – shall mean the lands owned by the Village, established and set apart for the use of a community cemetery.

Council – shall mean the duly elected members of the municipality of the Village.

Evidence of Ownership – shall mean the receipt/document registering the purchaser as the owner of such plots as shown.

Family Plot – shall mean a plot or a number of plots, which lie adjacent to one another, reserved for the interment of more than one deceased member of the family, and shall be limited to two plots, for side-by-side companion

arrangements, unless at the time of purchase, the circumstances warrant a plot for off-spring.

Flowering Ornamental – shall mean any annual, bi-annual, or perennial flowering plant.

Foundation – shall mean a rectangular piece of support concrete or granite of minimum 6” in depth so placed as to be level with the surrounding ground and to be 6” wider all around than the base and/or monument that is placed upon it.

Grave – shall mean a plot used as a place for the interment of human remains and cremated human remains.

Graveliner – shall mean a substantial container, concrete vault in which the funeral casket is to be placed.

Interment Services – shall mean the opening and closing of a plot, by the Village.

Marker – shall mean a memorial that is installed with the top (upper surface) level or flush with the ground surface.

Monument – shall mean any structure, which is erected, constructed, or placed on a plot, for memorial purposes.

Owner – shall mean the person(s) who has purchased any plot and is so named in the Evidence of Ownership document or recorded as the owner/purchaser in the cemetery records of the Village.

Plot – shall mean a division of land in the cemetery for the purpose of a single interment.

Perpetual Care – shall mean the basic maintenance of all plots, and shall include the leveling of grounds, the seeding and mowing of grass as required, and generally keeping the property clean and tidy, but shall not include any maintenance, repair or replacement of monuments or markers.

Public Works – shall mean any and all personnel working under the instruction and supervision of the Department of Public Works, as established by the Village.

Veteran – a person, provided there is a regimental number, who was a member of the Armed Forces or Royal Canadian Mounted Police.

Village – shall mean the incorporated municipality of the Village of Caroline. Woody Ornamental – shall mean any tree, shrub, creeper or climbing vegetation.

Working Hours - are the current posted working hours of the Village Office, excluding weekends, Statutory Holidays, or as designated by the Village.

3. ADMINISTRATION and MANAGEMENT:

3.1 The plans of the sub-division of the lands now on record at the Village office and any such subsequent plans of sub-division of lands approved by the Village, set apart and made available for the purpose of a cemetery, shall be the plans of the Caroline Cemetery.

3.2 All instruments, arrangements and interments, and structures shall be made and records kept in accordance with such plans by the Village.

3.3 Such plans and records kept by the Village shall be made available for viewing and inspection, free of charge, at the Village office during regular office hours.

3.4 No plots or blocks shall be further sub-divided or altered in any manner at variance with the said plans, except upon resolution of the Council.

3.5 The Administrator shall supervise all sales of plots and interments made in the cemetery and shall receive all monies therefrom.

3.6 The plots in the cemetery shall be sold by the Village upon the purchaser paying

in advance, the amounts set forth within this By-Law.

- 3.7 The Village reserves the right to limit the number of lots and area of the cemetery made available for sale each year.
- 3.8 The Village, upon payment by any person the full purchase price of any plot, shall provide such person with a receipt for the sum paid.
- 3.9 Plots may be re-sold to other such persons as desired, however written advice of such re-sale or transfer must be registered with the Village, by the purchaser, accompanied by proof of original purchase documents.
- 3.10 Plots may be transferred back to the Village, in consideration of the original purchase price to the purchaser, and such transfer shall be registered with the Village, accompanied by proof or original purchase documents.
- 3.11 It is the responsibility of the owner of any plot(s) in the cemetery to notify the Village of any change in the owner's address.
- 3.12 The Village is authorized to re-cover any unused plots in the cemetery, and shall exercise reasonable courses to confirm that the plots are no longer required by the owner or relatives of such, and such recovery shall be in accordance with the Cemeteries Act, of the Province of Alberta.
- 3.13 The Village shall provide another plot, at no expense to the original purchaser, if a previously purchased plot is unusable for any reason, and the original purchased plot will revert back to the Village.

4. INTERMENTS and DIS-INTERMENTS:

- 4.1 Plots in the cemetery shall be used only for the interment of human remains, including cremated human remains.
- 4.2 All interments and dis-interments within the limits of the cemetery shall be under the supervision and control of the Village.
- 4.3 Interments at the cemetery shall only be allowed after proper notice and arrangements have been made.
- 4.4 No interment of human remains or cremated human remains, shall be permitted in the cemetery until a proper copy of a "Burial Permit" is provided to the Village by the party applying for an interment and the following information shall be required,
 - A. name of deceased
 - B. date of death
 - C. date of burial
 - D. age or date of birth of the deceased
 - E. name of funeral director or person responsible for the interment
- 4.5 No deceased person, or cremated remains of such person, shall be interred in any plot, unless such deceased person is the person so named in the "Evidence of Ownership" document, or consent of such registered owner of the plot is provided to the Village, for the interment of the deceased person.
- 4.6 Arrangements for the payment of interment fees, opening and closing of a plot, must be made prior to the interment taking place and upon request may be invoiced to the person requesting the interment or to the funeral director in charge of the funeral arrangements.
- 4.7 The Village shall supply plots in the cemetery and interment services, at no charge, for the interment of unclaimed bodies of deceased persons and indigent and destitute persons. The plots and interment of such persons shall be in such portion or portions of the cemetery as may from time to time be designated by the Village.
- 4.8 All interments, openings and closing services, shall be primarily scheduled and completed between the hours of 8:00 a.m. and 4:00 p.m. Should an Internment run past 4:00 pm, overtime rates will be applicable.

4.9 Unless the Village for emergent reasons otherwise allows, notice of an interment, requesting an opening and closing of a plot, must be received by the Village,

Between May 1 and October 31

- 48 hours prior to the interment taking place on weekdays, Monday to Friday inclusive, or
- 72 hours prior to the interment, if scheduled to take place on a Saturday, Sunday, Statutory or named holiday,

Between November 1 and April 30 – weather permitting

- 72 hours minimum prior to interment for full burials
- No cremations permitted unless approved by CAO

4.10 Additional charges will be applied for approved interments where proper notice is not received prior to the interment taking place.

4.11 Additional charges will be applied for interment between November 1 and April 30.

4.12 Additional charges in respect of burials carried out on Saturday, Sunday, or Statutory Holidays shall be applied. These additional fees may be waived, for Crematory interments, if the Family signs a waiver accepting that Village Staff will not perform closing until the next regular work day.

4.13 Interment services, opening and closing of plots, shall be undertaken and conducted only by personnel under the direction and supervision of the Village, and the Village shall ensure that the opening and closing does not intrude on the adjacent plots.

4.14 The owner of a plot, or the person requesting the interment, shall give complete and concise instructions regarding the size and location of the opening and the Village shall not be responsible for any errors resulting from lack of proper instruction.

4.15 The provision and placement of a "rough-box or cement vault", properly installed, shall be required prior to an interment taking place.

4.16 All interments, with the exception of interment of cremated remains, are required to have not less than three (3) feet intervening between the top of the burial casket and the ground surface.

4.17 No opening for the interment of human remains, with the exception of cremated remains shall be less than five (5) feet in depth, from the ground surface.

4.18 An interment of more than one deceased person's human remains, with the exception of cremated remains, in any one plot shall not be allowed, except in the case of a parent and a child, or in the case of two infants, which are required to have not less than three (3) feet intervening between the top of the burial casket and the ground surface.

4.19 No person, other than a qualified funeral director, shall have charge of the interment of any human remains, with the exception of cremated remains.

4.20 Out of respect, all work of any description in the immediate vicinity of a funeral service, shall be discontinued and all work personnel and equipment shall withdraw to a reasonable distance from such location.

5. CREMATIONS

5.1 No interment or scattering of cremated human remains, shall be permitted in the cemetery unless a proper "Burial Permit" is provided to the Village by the party applying for an interment.

5.2 The interment or scattering of cremated human remains shall be in a portion or portions of the cemetery, as may from time to time be designated by the

Village.

- 5.3 The scattering of cremated remains in the cemetery shall be undertaken and conducted under the direction of the Village.
- 5.4 Shall be undertaken and conducted only by personnel under the direction and supervision of the Village, to ensure correctness and that the opening and closing does not intrude on the adjacent plots.
- 5.5 The owner of a plot, or the person requesting the interment of cremated remains, shall give complete and concise instructions regarding the size and location of the opening and the Village shall not be responsible for any errors resulting from lack of proper instruction.
- 5.6 The interment of cremated remains is required to have not less than two (2) feet intervening between the top of the burial urn (casket) and the ground surface.
- 5.7 Cremated remains may be interred in the same plot, containing an interment of other human remains, provided that a minimum of two (2) feet intervenes between the top of the burial urn (casket) and the ground surface.
- 5.8 Cremated remains may be interred in the same plot, containing other cremated remains, up to a maximum of four burial urns, provided that a minimum of two (2) feet intervenes between the top of the burial urn (casket) and the ground surface.
- 5.9 No dis-interment or removal of human remains shall be allowed for any purpose, unless a Dis-interment Permit or Order has been issued by the provincial Director of Vital Statistics and provided to the Village.
- 5.10 Dis-interment or removal of human remains, shall be undertaken and conducted only by personnel under the direction and supervision of the Village.
- 5.11 Dis-interment fees shall be determined by the Village, and shall reflect actual costs of manpower time and equipment required for the undertaking of each dis-interment.

6. FIELD OF HONOUR:

- 6.1 The Village has set aside an area, to be known as a Field of Honour, which shall be reserved only for the interment of veterans, service men and women, ex-service men and women and spouses of service or ex-service persons, of the military forces or Royal Canadian Mounted Police.
- This Field of Honour has been designated as Plots 21 to 50, Block 5 – Reserved for Veterans Only and Plots 1 to 20, Block 5 – Reserved for Veterans and Spouses.

7. CARE AND MAINTENANCE:

- 7.1 The Village shall provide perpetual care and maintenance of the grounds of the cemetery.
- 7.2 The Village shall apply loam or black dirt and seed to grass, or lay sod, upon any plot, following an interment service and the top of plots shall be kept level with the surrounding ground surface.
- 7.3 All grading and leveling of ground, the seeding and mowing of grass, weed control and sod work shall be done under the direction and supervision of the Village.
- 7.4 No person, other than personnel of the Village, or the owner of a plot or his agent, shall be permitted to care for any plot in the cemetery.
- 7.5 Flowering ornaments, no more than 30" in height, shall be allowed to be planted in the soil covering the surface of any plot, and such planting and maintenance shall be the responsibility of the owner of such plot.

- 7.6 If, in the opinion of the Village, any such flowering ornamentals, or any woody ornamentals currently in existence, situated on or about the cemetery become in any way a deterrent to adjacent plots, pathways or roadways, hinders care of the grounds, prejudicial to the general appearance of the grounds or dangerous or inconvenient to the public, the Village shall have the authority to remove such flowering ornamentals or parts thereof.
- 7.7 No person shall plant or install woody or flowering ornamentals, benches etc on a lot or at the head or foot of a grave. Unauthorized to do so will result in the removal of the item by the Village with no prior notification to the Family.
- 7.8 Upon prior authorization from the Village, flowering or woody ornamentals, benches etc, donated in memory of a deceased person, may be placed by Village employees (working in conjunction with the family) in the Cemetery or in other areas designated by the Village.
- 7.9 The Village shall have the authority to have removed any weeds, grass and any other kind of herbage, funeral designs or floral pieces or any other article or thing, which in the opinion of the Village has become untidy, unsightly, dangerous, detrimental or diseased.
- 7.10 No person shall remove the sod from any plot, or from any portion of a plot, in the cemetery without the approval of the Village.
- 7.11 An owner of a plot, desiring additional care of their plot, may make arrangements for such care with the Administrator by making an agreed upon payment to the Village.

8. MONUMENTS and STRUCTURES:

- 8.1 Monuments or markers of granite, marble, cement, artificial stone, rock, composition, wood, tin or iron, shall be permitted in the cemetery.
- 8.2 No monuments or markers shall be erected or placed on any plot in the cemetery, unless the design, description and materials thereof have been approved by the Village and a permit for such work has been issued.
- 8.3 No work shall be done upon any monument or marker, nor shall any monument or marker be removed from any plot, without prior approval by the Village.
- 8.4 No monument or marker shall be erected or placed on any plot, nor shall any work be done upon any monument or marker, on Saturdays, Sundays, Statutory or named holidays, without the written approval of the Village.
- 8.5 All persons employed in the construction and erection of monuments or doing any work within the cemetery, shall be subject to the direction and control of the Village.
- 8.6 A marker may be installed without a foundation or base, provided that it is set so that the top of the marker is level, flush with the ground surface of the plot.
- 8.7 All monuments and markers must be centered at the head of the plot, and in alignment with the row of plots, as determined by the Village.
- 8.8 No person shall erect or cause to be erected more than one monument and up to four flat markers on any one lot.
- 8.9 The foundation for a monument
- shall be level, flush with the ground surface
 - shall not exceed the width of the Plot
 - shall be at a minimum, 4" in depth for a 12" to 20" wide monument
 - shall be at a minimum 6" in depth for a 20" to 42" wide monument
 - shall be made of cement or granite
 - shall extend 6" in all directions beyond the bottom of the base/monument at ground level.

- 8.10 No monument or marker shall be erected or installed on a plot surface, prior to an interment of human remains in such plot, unless the Village otherwise allows, such as in the case of side-by-side companion arrangements.
- 8.11 No monuments shall be erected or installed after November 1 in any given year, nor before April 30 in any given year, unless the Village otherwise allows, upon consideration of special circumstances.
- 8.12 All monuments
- shall not exceed 36 inches (3') in height, this includes the base.
 - shall not exceed 18 inches (1.5') in length (head to toe), from the alignment of the rows to onto the plot surface.
 - shall not exceed 42 inches (3.5') in width (side to side), or.
 - shall not exceed 60 inches (5') in width (side to side), in the case of side-by-side companion plots.
- 8.13 All persons erecting or installing monuments shall ensure that such monuments are firmly secured to the base and that the base foundation is adequate to carry the monument.
- 8.14 All persons erecting or installing monuments and base foundations shall ensure that the surrounding areas are left in the same condition as found, and shall ensure that such work does not intrude on the adjacent plots.
- 8.15 Temporary markers provided by the funeral director may be removed by the Village after a period of six (6) months have elapsed from the date of the interment.
- 8.16 The Public Works shall, from time to time, report to Council and the owner of any monument, the condition of any monument or marker which is in disrepair or requires correction, and it shall be the responsibility of the owner of such monument or marker to repair or correct the same, to the satisfaction of the Village. The Village shall issue a Notice of required repairs and corrections, to the owner or family members of the owner of such plot, or publish such Notice in the local newspaper, if the relatives are unknown.
- 8.17 Whenever the owner of a monument neglects or fails to make the required repairs or corrections to a monument, within 30 days of a Notice to do so being issued by the Village, the Village shall have the authority to attend to such repair and correction and charge the cost thereof to the owner which may be recovered as a debt from the owner to the Village.

9. GRAVE COVERS

No plot within the cemetery, shall be covered with a slab of concrete, stone or other similar material.

10. ENCLOSURES: FENCES & BORDERS

No plot within the cemetery, shall be enclosed by fences, borders, railings, curbs, walls, cooping, hedges, trellises or enclosures of any kind.

11. VISITORS

- 11.1 No person(s) shall disturb the quiet or good order of the cemetery by improper noise, improper conduct, or otherwise inappropriate actions.
- 11.2 No person shall enter or remain within the cemetery between the hours of 10:00 p.m., of any day and 6:00 a.m., the next day following.
- 11.3 No person shall destroy, damage, or deface any monument, marker, structure or any other object in the cemetery, including trees, flowering plants and shrubbery.
- 11.4 No person shall deposit any paper, debris or refuse of any kind on any portion of the cemetery lands, except in waste receptacles provided for that purpose.
- 11.5 No animal(s) shall be allowed in the cemetery, unless such animal(s) is on a

leash and accompanied by an adult person.

11.6 The RCMP, or By-Law Enforcement Officer as appointed by the Village, or other persons from time to time in charge of the cemetery may evict therefrom, using such force as is reasonable, or may deny entrance, to any person who is contravening the above.

12. VEHICLES

12.1 The Village may prohibit the driving of vehicles in any part of the cemetery.

12.2 Drive-in access to the cemetery must be authorized by the Village, with the gate key being provided upon proper arrangements being made with the Administrator.

12.3 No person shall drive any vehicle in the cemetery at a rate of speed greater than 15 km/hour, and shall travel only on roadways as provided for that purpose.

12.4 Unless authorized, no bicycle, motorcycle or horse shall be allowed in the cemetery, except when it is part of a funeral procession, and shall travel only on the roadways as provided.

12.5 The owner of any vehicle shall be responsible for any damage done by such vehicle within the boundaries of the cemetery.

13. MEMORIALS

Any Society or group of persons desiring to hold a memorial service, or any such similar remembrance celebration, shall notify the Village five (5) days prior to the such service being held.

14. LIABILITY

The Village will take all reasonable precautions to protect the property within the Cemetery, but assumes no responsibility for the loss of, or damage to, any monument, marker or part thereof, or any other articles placed on the lot, or to the lot itself.

15. PENALTIES

Any person who commits a breach of any provision within this By-Law, is liable to a penalty of not less than \$200.00 per breach, and upon summary conviction is liable to a fine of not less than \$500.00, plus costs.

16. FEES AND CHARGES

The fee and charges structure as per Schedule "A" shall be reviewed, and may from time to time be amended, upon resolution of Council.

17. That this By-Law shall come into effect on the day of the final passing thereof.

18. That By-Law Nos. 2017-004, 2017-003, and 557 is hereby rescinded and all other previous related bylaws.

READ a first time this October 9th, 2018.

READ a second time this October 9th, 2018.


UNANIMOUSLY AGREED to present this By-Law for Third and Final Reading.

READ a third and final time this

___October 9__, 2018.



MAYOR



Village CAO

SCHEDULE – A

FEES AND CHARGES: (excludes GST)

1. Sale of lots		
Standard lot		
Resident		\$ 300.00
Non-Resident		\$ 450.00
Field of Honor		
Veteran/Spouses Resident		\$ 250.00
Non-Resident Veteran		\$ 300.00
2. Open and Closing (Monday to Friday 8:00 am to 4:00 pm) refer to Sec 4.9		
Infant Full Burial		\$ 250.00
Infant Cremation		\$ 200.00
Adult Full Burial		\$ 350.00
Adult Cremation		\$ 300.00
3. Open and Closing (After hours, Weekends and Stat Holidays) refer to Sec 4.9		
Infant Full Burial		\$ 500.00
Infant Cremation		\$ 400.00
Adult Full Burial		\$ 600.00
Adult Cremation		\$ 400.00
3. Perpetual Care Per Burial		\$ 400.00
4. Cemetery Work Permits		
Monuments		\$ 50.00
Grave Coverings, Only if Permitted		\$ 150.00
5. Additional Charges		
Proper Notice is not given (Section 4.9 or 4.12)		\$ 100.00
Charge		
Winter Rate (Nov 1 – April 30, section 4.11)		
Equipment Rate		\$ 150.00/hr
(Staff, Equipment, Snow Removal, Frost Condition)		

SCHEDULE - B

Evidence of Ownership

Date of Purchase: _____

NAME OF PURCHASER

Has this day, as noted above, purchased the following described Cemetery Plots of land for interment purposes, from the Village of Caroline, as follows.

Plot(s)# _____

Block _____

In the amount of \$ _____

Plus applicable G.S.T. \$ _____

Payment Method _____

Receipt# _____

RIGHT TO CANCEL BY PURCHASER/LEASEE

1. You may cancel this contract at any time for any reason. You may cancel without charge or penalty at any time during the period from the day you enter into the contract until 30 days after you receive a copy of the contract. If you cancel after 30 days, you may still have to pay for the interment space and for any cemetery supplies and cemetery services that have already been supplied, performed or delivered, as the case may be.
2. If you cancel this contract, the Village of Caroline has 15 days to refund any money to the purchaser at the address shown in the contract. Notice of cancellation shall be in writing in the form of registered mail, fax, courier or by personal delivery.

RESALE OF INTERMENT SPACE

1. After the penalty-free 30 day cancellation period is over, the Village of Caroline WILL allow you to resell your interment space on the open market and requires that the resale be registered in writing with the Village of Caroline. A seller who does not allow resale must buy back the unused interment space from you, if you wish, and must pay you at least 85% of its original price at the date of resale.
2. The Village of Caroline will consider the purchase of any contracted un-needed interment space, at the original purchase price less an admin fee of 10% based on original purchase price from you, as long as the owner provides the Village with all the proper documentation and receipts from the time of the purchase.

Signatures of:

Administrator, Village of Caroline
 Box 148
 Caroline, AB TOM OMO
 (403)722-3781

Purchaser

Address