

**TOWN OF BOW ISLAND
BYLAW 2017:04**

A Bylaw for the Town of Bow Island, in the Province of Alberta, to provide for the maintenance and control of the Bow Island Cemetery.

WHEREAS pursuant to the provisions of the Cemeteries Act being Chapter C-2, of the Revised Statutes of Alberta 1980, with amendments, a Municipality may own and maintain a cemetery.

AND WHEREAS the Town of Bow Island in the Province of Alberta owns the Bow Island Cemetery.

AND WHEREAS the Bow Island Cemetery requires regular maintenance to keep it in good order and repair, as well as policies for its operation.

NOW, THEREFORE, the Council of the Town of Bow Island in the Province of Alberta duly assembled enacts as follows:

1. Title

This Bylaw shall be cited as the Cemetery Bylaw.

2. Definitions

In this Bylaw unless the context otherwise requires, the interpretation set out in the following subsections shall be used:

- a) “**Casket**” shall mean a box made of wood, metal or other acceptable synthetic material used to incase a corpse for burial.
- b) “**Council**” shall mean the Council of the Town of Bow Island
- c) “**Infant**” shall mean any person under the age of two years
- d) “**Town**” shall mean the Town of Bow Island.
- e) “**Urn**” shall mean a box made of wood, metal or other acceptable synthetic material used to incase ashes for burial.

3. Bow Island Cemetery

That the lands described as Block C, Plan 761 0214 is hereby established and set apart for the use as a Public Cemetery to be known as the Bow Island Cemetery in accordance with and subject to the provisions of this Bylaw.

4. Supervision and Control

- a) The Bow Island Cemetery shall be under the general supervision, charge and control of the Town and the books, plans, records and documents relating to the cemetery shall be under the supervision, charge and control of the staff at the Town.
- b) The Town shall keep the plans of subdivision of the cemetery and all records regarding sale of graves, persons buried in the cemetery and the date of such burials and such further records as may be required by the Province of Alberta and the Town.

5. Provincial Regulations

On those matters about which this Bylaw is silent the provisions of the Cemeteries Act, with amendments, and other Provincial Regulations shall apply.

6. Religious Denominations

The Town may, allot any parcel of the said Cemetery, in which no interment has been made, to the exclusive use of any religious denomination. In the event of the consecration of the Cemetery, or any part thereof, by any religious denomination, such act of consecration shall not be held to invest the said religious body with any exclusive powers of jurisdiction, either spiritual or temporal within such Cemetery, but such religious body shall be subject to the rules and regulations governing said Cemetery except as otherwise provided.

7. Indigent and Unclaimed Bodies

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

8. Purchase of Grave Rights

- a) Cemetery grave rights may be purchased at the Town Office upon payment of the appropriate fees as set out by Council.
- b) The Town shall issue, or cause to be issued to the purchaser of each grave a receipt of same.
- c) Grave rights shall not be sold, assigned or disposed of by any person without the written consent of the Town and the Town shall have the first right of purchase of any grave right.
- d) Grave rights may be reserved if the fee for such, excluding opening and closing, is paid in advance. If such a grave right reservation is cancelled a refund of 80% of the amount paid shall be given. Grave rights reservation may only be cancelled once the Town has received written notice requesting such cancellation.
- e) The Town shall keep a special cemeteries account showing services rendered and expenses incurred by the Cemetery.
- f) No person shall be buried in any grave unless such person is registered as the owner of the burial rights in the said grave or had received written consent from the owner or agent of the owner, or unless where the grave is held by two or more persons, the surviving persons consent thereto in writing.

9. Burials

- a) No burial shall be permitted in the Cemetery unless a proper burial certificate is produced by the Party applying for the burial.
- b) A body must be enclosed in a casket or urn before burial.
- c) Notice of the preparation of a grave site must be given to the Town at least 24 hours prior to the time set for the burial, excluding weekends and holidays. For weekends and holidays a minimum of 24 working hours notice must be given. Failure to give such notice shall result in a penalty being charged as set out in Schedule "B" of this Bylaw which may be amended by Council.
- d) No more than one casket shall be buried in a single grave.
- e) A fiberglass or concrete outer box which the casket or urn will be placed in within the grave site, is compulsory.

10. Cremation

- a) Cremated remains may be interred on the same site with another body or other cremated remains upon registering such with the Town but no body shall be buried in a grave where cremated remains have previously been interred.
- b) Interment of cremated remains shall be in accordance with Provincial Regulations and the provisions of this Bylaw as set out in Schedule “C”, which is attached to and forms part of this Bylaw.
- c) A maximum of two urns will be allowed per grave whether a casket has been interred prior to the interment of an urn or not.

11. Burial/Disinterment

No grave shall be opened for burial or disinterment by any person not in the employment of the Town, and in all such cases request for opening or disinterment shall be accompanied by such forms and receipts as are required by the Town of Bow Island and the Province of Alberta. An administrative fee plus the cost of disinterment shall be paid by the applicant as per Appendix B.

12. Monuments and Memorial Tablets

- a) No person shall place a cement base, monument, memorial tablet or plaque in the Cemetery without first having obtained a permit from the Town and having paid the fee as set out in Schedule “A” of this Bylaw.
- b) A plan of any tablet, monument or plaque and full particulars regarding the material, method of construction, installation, design and picture shall be submitted to the Town for approval, if any of the above items are not designed or constructed by a monument company. Approval and fees shall be paid to the Town before any such construction or installation is undertaken or commenced.
- c) Only licensed firms retailing or handling monuments may install cement bases, subject to the approval of the Town and upon purchase of a monument/memorial tablet permit.
- d) Only one monument, memorial tablet or concrete base will be permitted per grave in any area of the Cemetery.
- e) The Town shall have the right to remove any monuments that do not comply with Schedule “A” of this Bylaw.

13. General Regulations

- a) No structure shall be removed by any person from any lot in the Cemetery without the written permission of the Town.
- b) The speed limit within the Cemetery is 15 kilometers per hour.
- c) Vehicles shall remain on designated roadways.
- d) No picnic, party or gathering except for funerals, ceremonies or observances associated with the Cemetery shall be held or allowed within the Cemetery. No person without reasonable cause shall be or remain within the Cemetery between sunset and sunrise.
- e) No trees, plants, shrubs, flowers or other natural items intended for growth shall be planted, seeded, grown or maintained in any area of the Cemetery without permission of the Town.

- f) Perpetual care will be supplied by the Town which includes the seeding of graves, grave surfaces, re-seeding when necessary, cultivation as may be necessary in connection with such seeding and re-seeding, watering, seasonal cutting of grass and weeds to keep the graves in a neat condition.
- g) No fence, borders or grave caps shall be constructed around any graves within the Cemetery.
- h) Articles are not allowed on the turf from April 1 to October 31. This includes artificial flowers, vases, stuffed articles, etc. By keeping the turf area clean Cemetery staff is able to effectively and efficiently maintain the Cemetery to the high standards the community has come to expect. All articles that are found on the turf adjacent to a gravesite during the summer season will be removed and stored by Cemetery staff for 30 days. Contact the Town to retrieve these articles.
- i) Glass articles such as vases or jars are not permitted in the Cemetery. Articles constructed of glass will be removed by the Town.
- j) The Town shall have full authority to order, remove or cause to be removed any other items not in accordance with this Bylaw from any grave in the Cemetery.
- k) The Town has full authority to remove any monument, memorial tablet or plaque that is derelict and damaged, however, the Town will replace the said monument, memorial tablet or plaque with an appropriate marker constructed of similar materials.
- l) The Town will attempt to contact families of individuals interred in the Cemetery prior to removal of any grave caps or borders that are in disrepair. The Town has full authority to remove any grave caps or borders that are in disrepair at the family expense.
- m) All existing borders, grave caps, monuments, memorial tablets and plaques installed prior to this Bylaw coming into effect will be considered grandfathered, unless they become derelict or damaged which will then allow for Section 13(k) to be enforced.

14. Fines

Any person or organization breaching any of the regulations of this Bylaw may be issued a fine of \$1,000.00.

15. Repeal of Bylaw

Bylaw 2008:09 is hereby rescinded upon final reading of this Bylaw.

Read a first time this 11th day of September , 2017.

MAYOR

TOWN MANAGER

DATE

Read a second time this 25th day of September, 2017.

Read a third time and passed this 25th day of September, 2017.

MAYOR

TOWN MANAGER

DATE

TOWN OF BOW ISLAND
BYLAW NO. 2017:04
SCHEDULE “B”

Cemetery Rates and Fees

1.	Sale price of grave rights per cemetery grave, includes care (Plus GST)	\$250.00
2.	Opening and Closing graves (plus GST)	
	Per grave	\$250.00
	Per cremation urn	\$100.00
3.	Additional fee for opening and closing, after hours, on weekends and holidays (plus GST)	\$150.00
4.	Failing to give 24 hours notice for opening and closing of grave, additional fee (plus GST)	\$ 50.00
5.	Disinterment (plus GST)	\$300.00
6.	Placement of concrete vault and cover (plus GST)	\$100.00
	Special Note: The placement of the vault and cover is a contracted service to the Funeral Home and will only be done on the condition the Town is not liable for any damages or breakage to the vault or cover.	

**TOWN OF BOW ISLAND
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SCHEDULE "C"**

Interment of Cremated Remains

1. Interment of cremated remains shall be completed only by the Town of Bow Island Public Works Staff.
2. Cremated remains shall be interred at a minimum depth of three feet (3') and a minimum distance of one foot (1') from the sides of the grave (in width) and three feet (3') from the head and one foot (1') from the foot of the grave, if such interment takes place in the areas of the cemetery not designated solely for cremation and or infant/limbs burials.