

BYLAW NO. 1055
OF STARLAND COUNTY
IN THE PROVINCE OF ALBERTA, CA

A Bylaw of Starland County in the Province of Alberta, Canada, respecting cemeteries operated by Starland County.

WHEREAS Starland County is recognized as the owner of cemeteries as defined in the Cemeteries Act, being Chapter C-2; R.S.A. 1980.

AND WHEREAS it is deemed expedient to pass a bylaw respecting the operation of cemeteries owned by Starland County to incorporate current cemetery practices and regulations:

NOW THEREFORE, the Municipal Council of Starland County, duly assembled, enacts as follows:

PART I - INTERPRETATION

1. In this Bylaw, unless the context otherwise requires:
- (a) "Caretaker" means the person placed in charge of any cemetery.
 - (b) "Cemeteries" means, unless the context otherwise requires, cemeteries in Starland County operated by and under the control of Starland County.
 - (c) "Contractor" means an individual or company hired by the owner to carry out work within a cemetery.
 - (d) "Department" means the Recreation Department of Starland County.
 - (e) "Licensee" means a person, firm or corporation that acquires burial privileges for one or more lots with fee simple to the property remaining in the County.
 - (f) "Lot" means a single grave.
 - (g) "Marker" means a lot or plot marker, made of granite or bronze, with a flat and level surface set on a foundation of a suitable size as outlined in Appendix "A".
 - (h) "Monument" means any permanent memorial structure projecting above the level of the ground.
 - (i) "Municipality" means Starland County.
 - (j) "Municipal Administrator" means the Chief Administrative Officer of Starland County or his designate.
 - (k) "Owner" means the person to whom the cemetery deed was issued.
 - (l) "Person" means an individual or a firm or corporation.
 - (m) "Plot" means two or more lots as shown on a plan on record in the Administration Office of Starland County.
 - (n) "Rubbish" means boxes, paper, weeds, decayed flowers or plants, faded wreaths, broken receptacles and any other material the presence of which results in an untidy appearance to any part of the grounds.

PART II - DESCRIPTION OF LANDS

1. (a) The following land is hereby established and set apart for the sole purpose of a public cemetery to be known as -

CRAIGMYLE CEMETERY:

All those portions of the Craigmyle Cemetery in Starland County, Part of N.E. 1/4, Section 19, Township 31, Range 16, West of the Fourth Meridian described as follows:

Commencing at a point on the North boundary thereof 464 feet Westerly from the Northeast corner thereof, thence South parallel with the East boundary 272 feet, thence Westerly parallel with said North boundary 432 feet 4 inches, thence Northerly parallel with said East boundary to said North boundary thence Easterly along said North boundary to the point of commencement.

The land described containing 1.09 hectares (2.7 acres) more or less.

DELIA CEMETERY:

All those portions of the Delia Cemetery in Starland County, Part of S.W. 1/4, Section 4, Township 31, Range 17, West of the Fourth Meridian described as follows:

Commencing at a point on the West boundary of said quarter section 791.5 feet Northerly thereon from the North limit of Road Plan 7610714 thence Easterly and at right angles thereto 342.5 feet; thence Northerly and parallel to the said West boundary 650 feet; thence Westerly and at right angles to the said West boundary to a point thereon; thence Southerly thereon to the point of commencement.

The land described containing 2.07 hectares (5.11 acres) more or less.

KNOLL HILL CEMETERY:

All those portions of the Knoll Hill Cemetery in Starland County, Part of N.E. 1/4, Section 31, Township 30, Range 18, West of the Fourth Meridian described as follows:

Commencing at a point on the North boundary of said quarter section distant 15 chains 4.5 links Westerly along said North boundary from the Northeast corner thereof; thence Westerly along said North boundary 4 chains 71.3 links; thence Southerly parallel with the East boundary thereof 4 chains 24.2 links; thence Easterly parallel with said North boundary 4 chains 71.3 links; thence Northerly parallel with said East boundary 4 chains 24.2 links more or less to the point of commencement. Subject to the proviso pursuant to the Irrigation Act and to the conditions contained in grant from the Crown registered as 6000 DM.

The land described containing 0.809 hectares (2. acres) more or less.

MICHICHI CEMETERY:

All those portions of the Michichi Cemetery in Starland County, Part of N.W. 1/4, Section 18, Township 30, Range 18, West of the Fourth Meridian described as follows:

All, Registered Plan 4191 EZ Cemetery Site

The land described containing 1.19 hectares (2.93 acres) more or less excepting thereout Roadway 603 LK containing 0.15 acres more or less.

MORRIN CEMETERY:

All those portions of the Morrin Cemetery in Starland County, Part of N.W. 1/4, Section 22, Township 31, Range 20, West of the Fourth Meridian described as follows:

Commencing at a point in the North boundary of the said quarter section distant 62 rods Easterly from the Northwest corner thereof; thence South parallel with the West boundary thereof 16 rods; thence East parallel with the said North boundary 20 rods; thence North parallel with the said West boundary 16 rods, to the said North boundary; thence West along the said North boundary 20 rods more or less to the place of commencement.

The land described containing 0.809 hectares (2. acres) more or less.

ROWLEY CEMETERY:

All those portions of the Rowley Cemetery in Starland County, Part of S.W. 1/4, Section 27, Township 32, Range 20, West of the Fourth Meridian described as follows:

All, Registered Plan 5426 JK, Parcel A

The land described containing 1.18 hectares (2.92 acres) more or less.

RUMSEY CEMETERY:

All those portions of the Rumsey Cemetery in Starland County, Part of S.E. 1/4, Section 13, Township 33, Range 21, West of the Fourth Meridian described as follows:

All, Registered Plan 8911002, Block 1

The land described containing 0.858 hectares (2.12 acres) more or less.

1. (b) In addition to the above areas of land, the Council may, from time to time, dedicate certain other lands, whether adjoining or abutting the areas described in Paragraphs 2 (1) hereof or elsewhere for the purpose of public cemeteries and these provisions shall be deemed to apply thereto.

PART III - GENERAL

1. (a) The Municipal Administrator and / or his designate shall have the sole control of all matters within the cemeteries that are concerned with maintaining the grounds in a neat and pleasing condition, and to that end is hereby authorized to regulate and control the cemetery grounds in accordance with Appendix "A" to this Bylaw containing such regulations.
- (b) No person shall throw rubbish upon the roads, walks or anywhere within the cemetery grounds.
- (c) No person shall erect upon a lot or a plot any fence, railing, wall, stone coping, hedge or the like. Where any of the same have been previously erected around a lot and have, by reason of age or neglect become unsightly or objectionable, the Municipal Administrator or his designate may cause such to be removed but will leave the area in a safe and proper condition.
- (d) No person shall erect upon a lot or a plot any grave cover of any material on lots sold after the final passing of this bylaw. Council can review a specific request to install a grave cover and may allow the installation subject to:
 - i) the applicant entering into an agreement with the County wherein the applicant agrees to maintain the cover in an acceptable condition at his/her own expense.
- (e) Every owner of a monument or other erection upon any lot shall maintain it in proper repair. When, in the opinion of the Municipal Administrator, any monument or other erection upon a lot is in a state of disrepair, he shall notify the owner in writing thereof and require that repairs be promptly undertaken. Any monument, grave cover or other erection not repaired within thirty days after a letter has been addressed to the owner or his agent to the last address provided to the County, may be removed from the lot. Monuments may be retained in the custody of the caretaker until the person responsible for its maintenance has returned it to a suitable condition.
- (f) No licensee shall change the grade of any lot and the County is authorized to restore to its original grade at the expense of the owner, any lot that is altered in grade contrary to the provisions of this section.
- (g) No person shall make any walk, cut any sod, or move corner posts or grave markers in any of the cemeteries.
- (h) No person shall place on any lot or plot a chair, a wooden or wired trellis, a wooden or wired cross or articles of glass or cellophane, and the cemetery staff will remove such articles and dispose of them as necessary to maintain the integrity of the cemetery.
- (i) While the County will take all reasonable precautions to protect the property of licensees, it assumes no liability nor responsibility for loss of or damage to any monument, marker or part thereof, or any article of any type that may be placed on the lot or plot.
- (j) The County reserves the right to alter its general regulations from time to time and the Municipal Administrator may cause to temporarily suspend any rule, but in such case, a licensee who deems that he is adversely affected thereby, shall have a right of appeal to the County Council.

PART IV - SALE AND TRANSFER OF LOTS

1. (a) A cemetery deed to use burial lots available in the said cemeteries may be obtained from the Municipal Administrator upon payment of the proper charge thereof. In general, no person may purchase more than eight lots. In special cases, the Municipal Administrator may authorize the purchase of sixteen (16) lots, but any larger purchase by an individual requires approval by Council. Fees and charges shall be those appearing as Appendix "B" to this Bylaw, as amended from time to time.
- (b) Deeded lots will be conveyed by the County to the licensee on the form adopted by it, and such cemetery deed will be subject to the Bylaws of the County and the Rules and Regulations appearing as Appendix "A" hereto as amended from time to time.
- (c) No person shall make a reservation for one or more lots without making payment in full at the time of the reservation.
- (d) The survey and interment records are maintained in the Starland County Administration Office and the County will accept no responsibility for any unauthorized excavation upon any lot unless it is undertaken following prior consultation with the municipality.
- (e) (i) The cemetery deed to use a lot or plot cannot be resold except to the County, in which case the offer must be in writing. The County shall refund an amount representing at least 85% of the market value of the lot or plot at the date of resale.
- (ii) Notwithstanding the provisions of (i) of this Section, members of the same family may transfer their deed to use a lot or plot to each other, provided that the request is made in writing to the Municipal Administrator and is approved by him.

PART V - INTERMENTS OR DISINTERMENTS

1. (a) No person shall personally or by agent undertake an interment in any burial lot unless and until they have produced to the Caretaker of the Cemetery, the following:
 - (i) Burial permit issued by the proper officer of the Government of the Province of Alberta.
 - (ii) Application for permission to inter a body. The application form to be completed and signed.
 - (iii) Full license fee for lot must be received by Starland County, or legal agreement, for receipt of payment within six months.

All applications for burials should be made at least 24 hours before the time for interment (Sundays and holidays excepted).

- (b) Every licensee obtaining a lot or lots in the cemetery shall be held responsible for the cost thereof and for all charges in connection therewith, including disinterment or removal of a body when applicable. Any person signing an order for interment will be held responsible for all charges in connection with such interment. Such person shall, in addition, be held responsible for compliance with the regulations governing erection of monuments applicable to that part of the cemetery in which the interment is made.

- (d) No interment shall be made without the written proof of ownership of the lot.
- (e) It is a condition of every deed, that the licensee expressly waives any claim arising by reason of any error or mis-description of any burial lot. The County undertakes that it will attempt, insofar as is reasonably possible, to avoid such errors but its liability shall only extend to refund, in case of error, of any money paid to the County for a lot or lots and it undertakes to make an equivalent quality of lot or lots available in lieu of those originally allocated.
- (f) All burials are to be made within the confines of a single lot. There must be a minimum of 12 inches of earth between remains buried in adjoining lots. There shall not be more than two burials in a single grave space, and there shall be a minimum of three feet of ground above the outer shell. There shall be not more than 6 containers of cremated remains permitted per single grave space. There must be a minimum of 2 ½ feet of earth placed over each container. The location of the burial of the cremated remains must be reported to the County.
- (g) The remains of persons dying from contagious diseases are not to be disinterred except when the Provincial Medical Officer of Health or other public officer, having authority at the time, approves of the disinterment and prescribes such regulations as he/she may think necessary, when the disinterment in accordance with such regulations or precautions may be made at the expense of the person applying.
- (h) A Permit from the Provincial Department of Health must be presented to the Municipal Administrator before disinterment is allowed.
- (i) No disinterment, for the purpose of lowering remains, shall be made without written proof of ownership of the lot, except for the burial of the original owner.
- (j) Disinterments, except for reburial in the same grave at greater depth, will not be allowed unless permission is first obtained for that purpose at the office of the Municipal Administrator and, if given, such permission shall be in writing and signed by the Municipal Administrator.
- (k) When a lot shall become vacant by removal of the body or bodies therein, the land may revert to the County at the owners option and the County will in such case, purchase the lot in accordance with the County's policy.

PART VI - MONUMENTAL WORK

1. (a) When any monument, gravestone or memorial of any kind is to be removed or any inscription made on a monument or cleaning done, permission shall be obtained from the Caretaker. Application for such permission shall be made in writing, with a description of the work proposed.
- (b) No monument, vault or other structure shall be erected or placed on any lot until its design and the plans and specifications relative to the material, construction and the proposed location have been submitted to the County and are in substantial compliance in the opinion of the Municipal Administrator or his designate, with the size, and regulations listed in Appendix "A".

- (c) No licensee shall erect more than one monument on any one lot nor more than one marker per lot, unless one monument or marker is in recognition of a Honour Field or Veteran burial. Permissible dimensions of monuments and markers are set forth in the regulations attached as Appendix "A" to this Bylaw.
- (d) No person shall place on any lot a monument of artificial stone, glass, wood, nor of any material not approved in the regulations that are outlined in Appendix "A" hereto.
- (e) All foundations for the erecting of monuments shall be approved by the County.

PART VII - MISCELLANEOUS PROVISIONS

1.
 - (a) County cemeteries shall be open from 8:00 A.M. until sundown between May 1st and September 15th in each year, and from 8:00 A.M. to 5:00 P.M. from September 16th to April 30th in each year for visiting purposes.
 - (b) No person shall canvass for orders or distribute business cards in any cemetery.
 - (c) No person shall place upon any monument that is erected in a County cemetery, the name of the monument dealer or the manufacturer, or the name of the quarry or any type of insignia or trademark.
 - (d) No person shall plant any tree, shrub, or perennial inside or outside any lot or plot, and all permanent planting of trees within the cemetery grounds shall be the sole right and duty of the County.
 - (e) No person under the age of 18 years shall be admitted to any cemetery unless in the company of one or more adults.
 - (f) No person shall drive a vehicle in a cemetery except at a moderate rate and then only upon the roadway provided for that purpose.
 - (g) No person shall tamper with or remove any flowers, plants, trees or shrubs located within the cemetery nor touch any monument nor any fence or other structure belonging to the cemetery.
 - (h) No person shall disturb the quiet and good order of a cemetery by noise or other improper conduct.
 - (i) Any person who violates any of the provisions of this Bylaw shall be liable of summary conviction before a Justice of the Peace having jurisdiction therein, to a penalty not exceeding One Thousand Dollars (\$1,000.00) exclusive of costs, for breach thereof, or in case of non-payment of the fine and costs, imprisonment in the nearest common jail for any period not exceeding sixty (60) days.
 - (j) Any matters not dealt with in this Bylaw nor in the Appendices "A" and "B" that are hereby made a part of this Bylaw, shall be dealt with by the Municipal Administrator or his designate in the manner that he deems most appropriate, having consideration for the appearance of the cemetery and the scope and intent of this Bylaw.
 - (k) The Council is hereby authorized to amend Appendices "A" and "B" hereto as may be required from time to time by resolution.

First Reading on motion of Councillor McLeod, done in Council this 26th day of June, 2001.

Second Reading on motion of Councillor Wilson, done in Council this 11th day of September, 2001.

Third and Final Reading on motion of Councillor Avramenko, done in Council this 11th day of September, 2001.

Reeve: Arthur H. Grenville

Municipal Administrator: Ross D. Rawlusyk

APPENDIX “A” TO BYLAW NO. 1055

REGULATIONS RESPECTING CARE
AND CONTROL OF COUNTY OPERATED CEMETERIES

- Removal of Memorial Wreaths

1.

In order to preserve the proper appearance of the grounds, memorial wreaths must be removed when they become unsightly. Cemetery authorities are herein authorized to remove unsightly memorial wreaths as required.
- Supervision of Wreaths, Flowers & Mementoes

2.

To ensure neatness and to preserve the beauty of the cemeteries, the Caretaker shall have supervision of wreaths, flowers and other removable mementoes and objects placed upon graves and plots and when, in his opinion, it is necessary or desirable to remove the same, he shall do so. If the Caretaker considers the article to have any value, he shall notify the lot owner, where possible, of the fact, giving such lot owner the right within 28 days to call for and take the same away; and after the lapse of 30 days from mailing such notice, or after 30 days where no notice can be given, the same may be destroyed. Wreaths, etc. must conform to the good general appearance of the cemetery.
- Monuments

3.

A monument should be designed with reference to its surroundings, consideration being given to the number, size and character of others near at hand. A duplicate of a nearby design is not desirable. Consideration should be given to the fact that a small monument of good design and finish is preferable to a larger one at the same cost but of inferior design and finish.
- Inscriptions

4.

No inscription shall be placed on any monument or marker which, in the opinion of the caretaker, is not in keeping with the dignity and decorum of the cemetery.
- Dimensions & Designations Regarding Monuments & Markers

5.

All monuments must be of granite, marble or rock.

All markers must be of granite or bronze.

All other monument or marker materials proposed to be used must be approved by the Municipal Administrator.

No fixtures made of glass or any other breakable materials may be attached or affixed in any manner whatsoever, to any part of a memorial, whether the memorial is upright or flat.

Dimensions of Monuments and Markers:

Monuments:

Base Size: Maximum length - 2/3 width of grave or plot
 Maximum width - 18 inches

Markers:

Bronze: Maximum length - 2/3 width of grave or plot
 Maximum width - 18 inches

Granite: Maximum length - 2/3 width of grave or plot
 Maximum width - 18 inches
 Minimum thickness - 2 inches
 Maximum thickness - 4 inches

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| Foundations | 6. Foundations are required for markers and they are to be set in concrete by the licensee. Foundations for a monument must be six inches larger than the base of the monument and must be constructed on a suitable gravel base. |
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RULES FOR MONUMENT DEALERS, CONTRACTORS AND WORKMEN:

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| Behaviour of Workmen | 7. The demeanor and behaviour of all workmen employed by others upon cemetery property shall be subject to the control of the Caretaker. |
| Precautions Against Injury To Grounds | 8. Contractors, masons and stone-cutters shall lay planks on lots and paths over which heavy materials are to be moved in order to protect them from injury. |
| Work Ceased For Funerals | 9. Workmen shall cease work and leave the cemetery prior to a funeral and not return until the conclusion of the service. |
| Permitted Hours Of Work | 10. Workmen will not be allowed to work on the grounds Saturday afternoons, Sundays or public holidays, or after 5:00 p.m. on weekdays, unless otherwise authorized by the County. |
| Deliveries | 11. No monument work, including 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. |
| Workers At Cemetery Need Signed Application | 12. Contractors employed to erect or remove monuments or do any other work on a lot or plot must first present an application to the Municipal Administrator's office, duly signed by the Licensee or his legal representative, requesting permission to employ such contractor to do the work therein specified; such application to designate the Lot Number, Block and Section. Work outlined in the application shall not be commenced until approved by the Municipal Administrator or his designate. |

GARDENING REGULATIONS:

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| Permits | 13. Persons desiring to do planting or any gardening work must first obtain the permission and approval of the Municipal Administrator or his designate. |
| Grave Plantings | 14. Owners have the privilege of annually planting flower beds on graves and plots if they so desire, provided the graves have been prepared and are in good condition. The County reserves the right to designate area for planting. If the flower bed is neglected the County reserves the right to remove the bed at the discretion of the Caretaker. |
| Removal of Sod | 15. The County reserves to itself the sole right to disturb or remove the sod or to do any work on all plots or graves. |
| Borders | 16. The planting of borders around lots is prohibited. |
| Wire Work & Hanging Baskets | 17. No wire work will be allowed. Iron rods and hanging baskets are prohibited. |

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| Removal of Rubbish | 18. | Gardeners or florists employed by plot owners to plant flowers, etc., shall remove all rubbish and must carry on their work under the direction of the Caretaker. |
| Hours of Work | 19. | Gardeners or florists or their employees shall not work in the cemeteries on Saturday afternoons, Sundays, public holidays or after 5:00 p.m. on weekdays, unless otherwise authorized by the County. |
| Removal of Soil | 20. | No soil may be removed from any plot or grave from any space adjoining or between lots without the written permission of the County. |
| Gratuities | 21. | No gratuities shall at any time be given to any officer or employee, nor shall any rewards be given for any personal services or attention. Any officer or employee who violates this rule is subject to dismissal. |
| Advertising | 22. | No form of advertising matter shall be allowed to be displayed on graves or any other part of the cemeteries. |

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