

BYLAW # 98-9

**of the
Village of Acme
in the Province of Alberta**

COPY

**A BYLAW RESPECTING THE ACME CEMETERY OPERATED
BY THE VILLAGE OF ACME.**

WHEREAS, the Municipal Government Act, Statutes of Alberta, 1994, Chapter M-26.1 with amendments and the Cemeteries Act Revised Statutes of Alberta, 1980, Chapter C-2 with amendments enacted by SA 1998, C-10, provides Council with the authority to regulate and manage Cemeteries, and;

WHEREAS, Council has deemed it expedient and necessary to update the Cemetery rules, regulations and charges to reflect the present needs and conditions;

NOW THEREFORE, the Council of the Village of Acme, duly enacts as follows:

100. DEFINITIONS

In this Bylaw, unless the context otherwise requires:

101. "C.A.O." means Chief Administrative Officer;
102. "Cairn or Boulder Monument" refers to a stone or heap of stone, placed as a memorial;
103. "Cemetery" means the Village of Acme Cemetery operated by and under the control of the Village;
104. "County" means the Kneehill County # 48
105. "Burial Plot" means a single grave plot measuring 5 feet X 12 feet
106. "Grave liner" means a concrete or fibreglass rough box placed in a grave to house a casket;
107. "Monument" means any permanent grave structure or headstone level with or above ground;
108. "Non-Resident" means any person who does not reside within the legal limits of the Village of Acme or Kneehill County;
109. "Owner" means a person, heir, executor or authorized funeral director, with burial privileges for one or more plots;
110. "Perpetual Care" means the preservation and maintenance in perpetuity and in a proper manner of the cemetery and grounds;
111. "Perpetual Care Fund" means all funds received by the Village from the Perpetual Care Fee for the purpose of providing Perpetual Care;
112. "Unallocated Lots" means a lot pre-purchased which will be allocated at the time of burial;
113. "Veteran" means a person who was a member of the Armed Forces of Canada, the United Kingdom or any Armed Forces of a country allied with Canada or the UK who served in any war;
114. "Village" means the Village of Acme in the Province of Alberta.

200. DELEGATION OF AUTHORITY

- a) The C.A.O. may delegate his/her authority to carry out the functions and duties as specified in this Bylaw, to an outside agency or person in accordance with an agreement of the Village of Acme.

300. LAND DESCRIPTION

The following is hereby established and set apart for the sole purpose of a Public Cemetery to be known as Acme Cemetery, described as follows:

SE 1/4 - 25 - 29 - 26 - W4 (3.58 Acres)

400. GENERAL REGULATIONS

401. The Village of Acme shall have the sole control of all matters within the cemetery 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 this bylaw, containing such regulations;
402. No person shall erect upon a plot, any covers, fence, railing, wall, stone, coping, hedge;
403. No owner shall change the grade of any lot. The Village is authorized to restore any lot that is altered in contrary to the provision of this section, at the expense of the owner;
404. No person shall make any walk, cut any sod, or move or place corner posts or grave markers;
405. While the Village will take reasonable precautions to protect the property of the owner, it assumes no 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;
406. The Village reserves the right to alter its regulations set out in this bylaw from time to time and the C.A.O. may temporarily suspend, revoke or vary any regulation upon a written request.
407. Overtime charges will apply for Saturday, Sundays and Statutory holidays;
408. Vegetation:
 - a) No person shall plant any tree, shrub or herbaceous perennial inside or outside any plot. All permitted planting of trees, shrubs within the cemetery grounds shall be the responsibility of the Village of Acme;
 - b) No person shall tamper with or remove any flowers, plants, trees, shrubs or monuments, located within the cemetery nor touch any monument nor any fence or other structure belonging to the cemetery;
 - c) Cut flowers shall be removed from plots by Village of Acme staff as soon as they become wilted or unsightly and persons wishing to retain same must remove them within forty-eight (48) hours after interment;
 - d) Artificial Flowers shall be allowed on plots until they become unsightly and/or until they become a significant maintenance problem. Once artificial flowers are removed they will be retained for thirty (30) days so the owner has time to claim them;
 - e) Annual flowers shall not be planted on any plot.

500. SALE AND TRANSFER OF PLOTS

501. A person may purchase a maximum of 4 plots. Approval by the C.A.O. or Designated Officer is required for any larger purchases;
502. The survey and interment records are maintained at the Village Office and the Village will accept no responsibility for any excavation upon any plot unless authorized by the Village of Acme;
503. Any unwanted plots must be re-sold to the Village of Acme. The Village will refund the original



purchase price. Members of the same family may transfer plots to each other provided that the request is made in writing to the Village of Acme.

600. INTERMENTS AND DISINTERMENTS

601. Any person or agent requesting an interment shall have all related costs as per Schedule "A" paid for prior to burial or the name and addresses of the person or agent responsible for payment submitted to the Village Office;
602. No person shall personally or by agent undertake an interment in any burial plot, until there has been produced to the Village Office, the following:
 - a) Burial permit, issued by the proper official of the Province of Alberta.
603. A minimum of forty-eight (48) hours notice must be given to the Village of Acme prior to interment;
604. Interment of any body other than that of a human being is prohibited;
605. The Village accepts no responsibility for any error or misunderstanding that may arise when the owner or agent orders an interment by telephone;
606. Every person ordering an interment will be held responsible for all charges in connection with such interment;
607. Grave liners must be used for all burials except cremations;
608. Grave liners must be totally buried and the highest point being at least four (4) feet (1.23 M) below the soil surface;
609. All requests for opening and closing shall be processed by Administrative Staff at the Village Office;
610. All opening and closing shall be done by Public Works staff or contractors hired by the Village of Acme;
611. The Funeral Home shall be responsible for lowering the grave liner, casket and placing and removal of greens. The Funeral Home or its representative, shall be present until the grave liner is sealed;
612. All burials are to be made within the confines of a single plot. There shall not be more than one (1) full body burial in a single plot. Ashes, to a total of four (4) cremains, may be buried in an occupied plot when the person in charge of the ashes has received permission for such burial in that plot from the Village of Acme;
613. Except in cases of extreme necessity such as the danger of contagion or infection, or in the case of an epidemic, the Village shall not permit interments to be made on Statutory Holidays, unless by order of the Provincial Board of Health or with the understanding that overtime charges shall apply;
614. Every owner obtaining a plot in the cemetery shall be held responsible for all charges in connection with the disinterment or removal of a body, when applicable;
615. Disinterments, shall only take place at times pre-arranged with the Village of Acme;



616. No disinterment or removal of a body shall be allowed without the consent in writing of the surviving relative or the legal representative of the person whose body is to be disinterred or removed. The Village will not be responsible for any disinterments. Disinterments must be arranged and completed by the Funeral Home under the supervision of the Village of Acme. All costs incurred shall be the responsibility of the family or agent, including the cost of a new grave liner, if required;
617. Whenever a grave shall become vacant by the removal of the body or bodies, the land will revert back to the Village of Acme;
618. Disinterment of a body shall not take place until a permit, signed by the Department of Vital Statistics is presented to the Village of Acme;

700. MONUMENT WORK

701. No owner may erect upon any plot any monument while any charges in connection therewith are due and owing to the Village;
702. No person shall place on any plot a monument of artificial stone, glass, wood, plastic, nor of any material not approved in the regulations that are contained in Section 400;
703. When any monument, grave stone or memorial of any kind is to be removed, repaired or inscription made on a monument or cleaning done, permission shall be obtained from the Village of Acme;
704. Monuments shall be installed Monday to Friday between 8 am and 4:30 pm and all work on a monument shall cease during a funeral possession and funeral;
705. Cairns and/or Boulder monuments are not permitted;
706. All persons shall comply with the government regulations for erection of monuments applicable to that part of the cemetery in which the interment is made. The fees for such are set out in Schedule "A";
707. All monuments must be of granite, marble or bronze;
708. All firms or individuals wishing to place a monument or memorial must first obtain permission from the Village of Acme and work shall be performed according to the regulations as follows:
 - a) No inscription or impression shall be placed on any monument which, in the opinion of the Village is not keeping with the dignity and decorum of the cemetery;
 - b) For the protection of the lot holder and the beauty of the cemetery all inscriptions or impressions on all monuments must be well cut and in good proportion;
 - c) In erecting or placing monuments upon any plot the owner or his agent shall conform to the following:
 - (i) Place monument within markings as set by Village staff;
 - (ii) Not interfere with any other plots;
 - (iii) Convey, transport, place all material;



- (iv) Remove all masonry litter, rubbish or refuse from the area and leave it in a neat and tidy condition;
 - (v) In the event of a failure or refusal to do so, the Village may cause the same to be done and charge the cost thereto to the plot owner or his agent.
709. Any monument installed that does not comply with this bylaw shall be removed by the Village of Acme and shall only be returned to the owner upon payment of costs as determined by the C.A.O. or Designated Officer;
710. Every owner of a monument or other erection upon any plot shall maintain it in proper repair;
711. When, in the opinion of the Village of Acme, any monument or other erection upon a lot is in a state of disrepair, the owner shall be notified in writing and required to promptly repair the damage. Any monument or erection not repaired within thirty (30) days after a letter has been addressed to the owner or his agent to the last address provided to the Village, may be removed from the plots and retained in the custody of the Village of Acme until the person responsible for its maintenance has returned it to a suitable condition.

800. DECORUM

801. No person shall disturb the quiet and good order of a cemetery by noise or other improper conduct;
802. All plots in the cemetery will be sold with reasonable upkeep. The term reasonable shall mean the regular care as given to all municipal property;

900. ENFORCEMENT

901. Any person who commits an offence pursuant to this Bylaw is guilty of an offence and is liable on summary conviction to a fine not exceeding ten thousand dollars (\$10,000.00) exclusive of cost, or in the case on non-payment of the fine and cost imposed to imprisonment for any period not exceeding one year (1 year).
902. Any matters not dealt with in this bylaw shall be dealt with by the C.A.O. or Designated Officer in a manner that is deemed most appropriate, having consideration for the appearance of the cemetery and the scope and intent of this Bylaw;
903. Employees of the Village of Acme are prohibited from receiving gifts or money from owners. Any employee who accepts any gifts or money is liable to dismissal;

1000. PERPETUAL CARE

1001. The Perpetual Care fee as set out in Schedule "A" shall be included in the purchase price of a burial lot or charged at the time of opening and closing if the plot was purchased prior to the passing of this bylaw;
1002. The Village of Acme Cemetery Perpetual Care fund shall be established for the future care and maintenance of the cemetery;
1003. Interest from the Perpetual Care fund shall be spent on maintenance and upkeep of the grounds, buildings, fences, vegetation and may be used to replace damaged monuments with a flat



monument of granite, not exceeding 1 foot X 2 feet, that states names and dates;

1004. Tax deductible donations will be accepted and held in the Village of Acme Perpetual Care Fund;

1005. When lots are sold, reverted or given back to the Village the perpetual care fee shall not be refunded;

This bylaw will come into full force and effect on the date of signing.

READ A FIRST TIME THIS 14th DAY OF December, 1998.

READ A SECOND TIME THIS 11th DAY OF January, 1999.

READ A THIRD TIME AND FINALLY PASSED THIS 11th DAY OF January, 1999.


MAYOR


CHIEF ADMINISTRATIVE OFFICER