

Cemetery Bylaw 2024-006

Village of Halkirk

A BYLAW OF THE VILLAGE OF HALKIRK, IN THE PROVINCE OF ALBERTA, TO REGULATE AND CONTROL CEMETERIES OPERATED AND MAINTAINED BY THE VILLAGE OF HALKIRK.

WHEREAS it is deemed necessary to provide and update regulations and controls for the operation of the cemetery operated and maintained by the Village of Halkirk; and

WHEREAS: Pursuant to the provisions of the Municipal Government Act, R.S.A. 2000, Chapter M-26 as amended, and the regulations set forth in the Cemeteries Act, R.S.A. 2000, Chapter C-3, Council of the Village of Halkirk deems it expedient to pass a Bylaw to provide for the control and management of the Village of Halkirk Cemetery.

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE VILLAGE OF HALKIRK DULY ASSEMBLED ENACTS AS FOLLOWS:

SECTION I – SHORT TITLE

1. The Bylaw shall be referred to as the “Cemetery Bylaw.”

SECTION II – DEFINITIONS

1. In this Bylaw, the following definitions shall apply:
 - a) “Ash Interment” means the act of burying cremated remains in a grave. The Act includes the digging and backfilling of the grave by the Village ;
 - b) “Burial” means the interment of human remains or cremated human remains in a grave;
 - c) “Burial Permit” means a permit which is required by the Village of Halkirk prior to burial;
 - d) “Cemetery” means cemeteries owned and operated in accordance with the Act by and under the control of the Village of Halkirk.
 - e) “Cemeteries Act” means the Cemeteries Act of the Province of Alberta, R.S.A. 2000, Chapter C-3, as amended together with its Regulations from time to time;
 - f) “Chief Administrative Officer” means the Chief Administrative Officer of the Village of Halkirk;
 - g) “Columbarium” means a structure designed for storing the ashes of deceased human remains that have been cremated;
 - h) “Concrete liner” means an unsealed outer burial receptacle, commonly referred to as a burial vault, grave liner or grave box, placed in the grave to house a casket and

that can withstand the weight and pressures of the earth above and surrounding the receptacle;

- i) "Concrete runner" means a continuous section of concrete, forming a foundation for, and connecting, separate adjacent monuments or monument sites;
- j) "Council" means the Municipal Council of the Village of Halkirk;
- k) "Deed" means the application for a Lot deed or Niche deed;
- l) "Disinterment" means the removal and relocation of human remains;
- m) "Employee" means an employee of the Village;
- n) "Foundation" often referred to as grave foundations or headstone bases;
- o) "Funeral Director" means any registered embalmer or mortician licensed in Alberta;
- p) "Grave" means a Lot that has been opened or used as a place of burial; an opening dug in a burial plat for the purpose of the interment of human remains or cremated human remains;
- q) "Grave Cover" means a structure of marble, granite, plastic, fiberglass, or similar material for memorial purposes placed on top of and covering the entire Lot;
- r) "Interment" means the burial of human remains or cremated remains in a grave;
- s) "Marker" means a structure of granite, marble, concrete or bronze for memorial purposes placed on any grave or Lot level with the foundation;
- t) "Monument" means an upright structure or memorial of bronze, granite, marble, or other stone material for memorial purposes which projects above the surrounding ground.
- u) "Niche" means a single compartment of a columbarium large enough to house one or two funeral urns;
- v) "Ongoing Maintenance" means a general term used to designate all the various types of work the Village does or contracts to be done on behalf of the owner to ensure that the burial Lots are kept in good repair and that the surrounding grounds are properly cared for. This does not include monuments or grave covers;
- w) "Owner" shall mean a person or persons who purchase a Lot or Lots or compartment or compartments of a Columbarium in the Cemetery;
- x) "Pillow Monument" means a rectangular, or sloped structure of granite, marble, bronze or other stone material for memorial purposes;
- y) "Lot" means a parcel of land for the purposes of a burial in the Cemetery and the area for a full burial (casket and outer burial receptacle);
- z) "Reserve Lot" means a Lot or a number of Lots which lie adjacent to one another and which are to be reserved for the burial of more than one deceased member of a family;
- aa) "Village" means the Village of Halkirk, in the Province of Alberta;

- bb) "Veteran" means a person as defined in by Veterans Affairs Canada and the Department of National Defense;
- cc) "Woody Ornamental" means any trees, shrubs, creepers, and climbers;

SECTION III – DESCRIPTION OF LAND

1. The following land is hereby established and set apart for the sole purpose of a public cemetery to be known as the Village of Halkirk Cemetery: SE 26-38-16 W4 COT 147-S-22
2. In addition to the lands described above, the Village may, from time to time, designate certain other lands, whether adjoining or abutting the said lands, for Cemetery purposes and these lands shall be regulated and controlled in accordance with this Bylaw.

SECTION IV – ADMINISTRATION

1. The operation of the Village of Halkirk Cemetery shall be in accordance with established policy by the Village and in accordance with the Cemeteries Act.
2. The CAO shall have charge of the Cemetery and shall exercise control over all employees and contractors therein.
3. The Village Of Halkirk shall be responsible for the sale of Lots and Niches, keeping of all necessary records which shall include the location, the name of the proprietor or each Lot or Niche, the name and location of each interment and disinterment, and for collection of fees and charges in connection with the Cemetery. The Village shall have sole control of all matters related to the Cemetery, including maintenance, burials, and enforcement of this Bylaw.
4. The Village reserves the right to limit the number of Lots developed and/or make available for sale each year; and to direct the area and sequencing of development and Lot sales.
5. The council shall establish the rates to be charged for the sale of Lots and columbarium niches, as well as all services provided in relation to interment and disinterment.
6. The CAO shall have the right to remove any existing or new fences, borders, railings, walls, hedges, copings, and other enclosures as deemed necessary.
7. The CAO shall have authority to have any weeds or grass removed, funeral designs or floral pieces which may become wilted or any other article or thing which is deemed unsightly or requires maintenance staff to work around.
8. If, in the opinion of the CAO, any vegetation situated on or about the cemetery shall become by means of their roots or branches or in any other way detrimental to adjacent Lots, walks or driveways, prejudicial to the general appearance to the grounds or dangerous or inconvenient to the public, the CAO shall have the right to remove such vegetation, or any parts thereof.

9. Benches of a style approved by the CAO may be permitted in the Cemetery under such conditions as the CAO may order.
10. Any person acquiring a Lot or Lots under the provisions of the Bylaw shall only acquire the right and privilege of burial of the deceased therein subject to the provisions of this Bylaw and shall not be deemed to acquire any title to the land which shall remain vested in the name of the Village.
11. The Village shall take all reasonable precautions to protect the property rights of the owners within the Cemetery from loss or damage; but the Village distinctly disclaims all responsibility or liability for loss or damage from causes beyond its control and especially from damage caused by elements, of an act of God, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots, or an act of war. The Village shall also take all reasonable precautions when repairing grave sites and during a necessary monument move for grave digging. The Village shall not be liable for damages to the contents of niches whether resulting from theft, vandalism or other damage howsoever caused.

SECTION V - GENERAL RULES AND CONDITIONS – BURIAL LOT PURCHASES AND UTILIZATION

1. No owner shall sell or transfer any Lot deed or Niche deed to any other person. Niche deeds and Lot deeds may be transferred from one family member to another, but no transfer shall be valid unless such transfer is registered with the Village.
2. The owner may sell his/her Lot to the Village and the Village will buy back the Lot at an amount representing at least 75% of the market value of the Lot at the date of resale, with no compensation after 40 years of purchase.
3. If a previously purchased Lot is deemed unusable by the Village for any reason, the Village will supply a similar Lot at no cost to the owner or his/her heirs and the original Lot shall revert to the Village.
4. No person shall further subdivide or alter any block, lot, or Lot in any manner at variance with the subdivision plans on record in the Village Office except by special written permission of the Village Council.
5. It is a condition of every burial Lot purchased that the owner expressly waives any claim arising from an error caused by the Village. The Village's liability shall only extend to a refund of any money paid to the Village for a Lot(s) providing that the Lot(s) suggested as alternatives are not acceptable by the Owner.
6. The activities and obligations of Funeral Directors are governed by the Occupational Health & Safety Act of Alberta, R.S.A. 2000, Chapter 0-2, and amendments and regulations thereto.
7. No body shall be disinterred or removed from the Cemetery for any purpose unless a Licensed Funeral Director applies to do so, the RCMP are advised, and a disinterment

permit has been issued by the Director of Vital Statistics. Disinterment fees will be as set out in the Village 's Schedule of Fees established by resolution of Council.

SECTION VI - INTERMENTS AND DISINTERMENTS

1. No Lot shall be used for any other purpose than for the burial of a deceased human body.
2. No interment shall be permitted in the Cemetery until an approved burial permit has been filed with the Village.
3. The CAO shall have authority over all matters relating to burials with the exception of disinterment. Disinterment of a body shall not take place until a permit for disinterment is issued by the Provincial Director of Vital Statistics. The CAO may establish any procedures relating to Burials in the Cemetery subject to the provisions of the Act.
4. All caskets must be placed inside a concrete liner.
5. It is a condition of sale of every burial Lot and columbarium niche that the purchaser expressly waives any claim arising from an error caused by Village personnel or operations providing that it was not reasonably possible to avoid such error. The Village's liability shall only extend to a refund of any money paid to the Village for a Lot(s) and/or niche(s) providing that the Lot(s) and/or niche(s) suggested as an alternative is/are not acceptable to the purchaser.
6. Notwithstanding any other provisions of this Bylaw burials must be placed with the CAO's office at least 48 consecutive hours before the burial is to take place, unless the CAO for emergent reasons otherwise allows.
7. The owner of a Lot or the person instructing the Village to open a grave shall give instructions regarding the size and location of the grave, and the Village shall not be responsible for any errors resulting from the lack of proper instruction.
8. The Village shall furnish graves in the Cemetery, for the unclaimed bodies of deceased persons and bodies of indigent persons in accordance with section 12 of the Act.
9. All work in the immediate vicinity of a grave shall be discontinued during the burial service.
10. Interment may not be permitted in Cemetery Sections where written records are insufficiently accurate to confirm either ownership or occupancy.
11. A full Lot may only be used for:
 - a) The single burial of a person when the length of the outer casket exceeds five (5) feet; or
 - b) The single burial of a person as provided in a) above but with the provision that up to six ash interments may also occur; or

- c) Cremation purposes only for up to six (6) ash interments; or
 - d) Special consideration will be given to the burial of one adult and one infant (12 months or younger) within one casket.
12. No grave shall be less than six (6) feet in depth from the surface of the surrounding ground. No grave for the burial of cremated remains shall be less than eighteen (18) inches in depth from the surface of the surrounding ground. Cremated remains may not be placed under an existing grave cover.
 13. Anyone wishing to use a backhoe or digger in the Cemetery shall obtain permission from the CAO or designate.
 14. A truck or tarp must be provided for surplus dirt, and it must be taken care of within 4 days.
 15. There will be no burial from freeze up until spring thaw; however, at the discretion of the CAO or designate marking the plots, burial may be done during the winter months. No monuments shall be erected from November 1st to April 30th except at the discretion of the CAO or designate.

SECTION VII – COLUMBARIUM

1. The CAO or designate shall supervise all sales of columbarium niches and interments in the Cemetery.
2. A niche shall have the minimum dimensions of 12" by 12" by 12".
3. Niches shall be used only for the purpose of placement of cremated remains of one or two human bodies, as the space within a niche permits.
4. The opening and closing of a niche shall be performed only by the Village or designate.
5. Vases, flowers, and other funeral designs or floral pieces may be placed only at the base of the columbarium during the interment. No permanent placements shall be allowed. Placements on the niche doors or on the top of the columbarium are prohibited.
6. The Village shall not be liable for damages to the contents of niches whether resulting from theft, vandalism or other damage howsoever caused.
7. Granite plaques and inscriptions shall be purchased through the Village. All costs are to be paid by the purchaser of the niche for the plaques and inscriptions shall be charged as set under the Village 's Schedule of Fees established by resolution of Council.

SECTION VIII – MONUMENT REGULATIONS

1. All persons employed in the construction, erection, and maintenance of monuments or markers, whether employed by the Village or not, shall be subject to the direction and control of the Village.
2. The base of all monuments or markers should be firmly secured to the concrete foundation. The foundation must be adequate to carry the weight of the monument or

marker and shall be confined within the boundaries of the respective Lots. Monuments shall be installed so that they are in alignment with other stones in that particular row. The foundation must be of adequate size to allow for a border of at least six (6) inches on all sides of the stone. The foundation must not exceed 4 inches in width.

3. No fencing, railing, roping, earth mound, or any other type of memorial other than a monument in accordance with the provisions of this Bylaw shall be placed on any burial Lot.
4. All foundations and monuments not installed in strict conformance to this Bylaw shall be removed at the direction of the Village. The Village may also remove and dispose of any monument or memorial structure placed in the Cemetery if such would fall into disrepair and/or become unsightly. The Village will forward written notification prior to undertaking this action to the last known address of the Owner of the Lot.
5. All the people erecting monuments shall ensure that the surrounding areas are restored to and left in the same condition as found prior to installation.
6. Grave covers over graves are prohibited in all areas of the cemetery. Existing grave covers shall remain but cannot be replaced. The Village reserves the right to remove any grave covers.
7. Concrete runners need to be placed at ground level and cannot exceed 30" wide. If two rows of cement runners are being placed, enough room must be allowed for mowing equipment.
8. Monuments are placed in the Cemetery at the owner's risk and the Village assumes no responsibility for damage or loss due to vandalism, etc. It is the owner's responsibility to contact an insurance agent to discuss the possible coverage.
9. No monument may have an overall size greater than 3 feet 6 inches wide, 21 inches deep and 40 inches high (to the top of the monument, including the base and vase)
10. No pillow monument may have an overall size greater than 3 feet 6 inches long, 30 inches wide and 14 inches high.
11. A Flat marker may have an overall size of 18 inches deep by 24 inches wide.

SECTION IX – GRAVE DECORATION

1. A grave decoration is anything that is placed on a grave, or columbarium. These decorations must meet certain conditions imposed by the Village as follows:
 - a) The grave decorations such as solar lights and or ornaments must be made of metal or steel and must be able to withstand the wind, the weather and the grass trimming as it is necessary to trim around the monument to maintain a tidy appearance. Decorations are not allowed on the main body of the grave to facilitate grass cutting.

- b) Decorations, flowers, or ornaments in moderation are only allowed by or on the headstone and must be wind, weather and grass trimming resistant.
 - c) No vegetation may be planted at the gravesite.
 - d) Flowers and other funeral designs or floral pieces may be placed only at the base of the grave or columbarium for a period of seven (7) days after interment, after which time they may be removed by a Village employee.
 - e) Affixing floral pieces or any items to a niche is prohibited.
2. The Village may, at its discretion, remove and dispose of any loose or inappropriate items and decorations from any graves or columbarium in the Cemetery.
 3. To maintain the overall aesthetically pleasing appearance of the Village Cemetery, the Village employees will clean up and remove all old, weathered, broken or windblown flowers, decorations or ornaments before Mother's Day. Another clean up before winter will take place by September 30th.

SECTION X – VEHICLES IN THE CEMETERY

1. All vehicular traffic shall travel at speeds no greater than 10 km/hr. and shall be restricted to roadways only. Service vehicles will be permitted off the roadways when providing the necessary services of the Cemetery.
2. The CAO may prohibit the driving of vehicles in any part of the Cemetery.
3. The CAO may prohibit the driving of any vehicle in the Cemetery when the roads are in an unfit condition.
4. The owner of any moving vehicle shall be responsible for any damage done by such vehicle within the boundaries of the Cemetery.

SECTION XI – ENFORCEMENT OF RULES

1. The Village is hereby empowered to enforce all rules and regulations and to exclude from the Cemetery any person(s) violating same. The Village shall have charge of the grounds and the buildings including the conduct of funerals, traffic, employees, owners, and visitors and always shall have supervision and control of all persons in the Cemetery.
2. All installations at the Cemetery made without authorization by the Village may be removed by the Village.
3. All installations at the Cemetery not conforming to the rules, regulations and provisions of the Bylaw may be made to conform to the Village.
4. Any Peace Officer or Village employee from time-to-time in charge of the Cemetery may evict there from or deny entrance to any person who contravenes any of the provisions of this Bylaw.

SECTION XII – SUMMARY CONVICTIONS

1. Any person who lawfully destroys, mutilates, defaces, injures or removes a tomb, monument, gravestone or other structure placed in the Cemetery or a fence, railing or other work for protection or ornament of a Cemetery or of a tomb, monument, grave stone or other structure or a Cemetery Lot within the Cemetery, contravenes a provision of this Bylaw and is guilty of an offence.
2. Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable on summary conviction to a fine of up to but not exceeding Ten Thousand Dollars (\$10,000.00) or to imprisonment for not more than one (1) year, or to both fine and imprisonment.
3. If a person is found guilty of an offence under this Bylaw, the Court may, in addition to any other penalty imposed, order the person to comply with this Bylaw.
4. The levying and payment of any fine or the imprisonment for any period provided in the Bylaw shall not relieve a person from the necessity of paying any fees, charges or costs for which he/she is liable under the provision of this Bylaw.

This Bylaw takes effect on the date of the third and final reading.

READ A FIRST TIME this 14th Day of November 2024

READ A SECOND TIME this 14th Day of November, 2024

READ A THIRD AND FINAL TIME this 14th Day of November, 2024



Mayor



Chief Administrative Officer

Schedule A – Cemetery Fees

Sale of Cemetery Lot:	\$200 + GST
Grave Opening/Closing(including Cremation:	Contractor Dependent
Columbarium Niche:	\$500 + GST
Engraving for Columbarium	\$135 + GST
Adding a name to plaque (Columbarium)	\$ 35 + GST
Disinterment	\$100 + GST