

BYLAW NO. 432-09
STIRLING CEMETERY

A BYLAW OF THE VILLAGE OF STIRLING TO PROVIDE FOR AND MAKE PROVISION OF THE IMPROVEMENT, MAINTENANCE, MANAGEMENT, CONTROL AND OPERATION OF THE STIRLING CEMETERY

WHEREAS, pursuant to Sections 3, 7 and 10 of the Cemeteries Act, R.C.A. 2004, c. C-3, the Council of the Village of Stirling shall keep the Village's cemetery in the manner required by regulations, and to keep it in good order and repair.

NOW THEREFORE, the Council of the Village of Stirling duly assembled, ENACTS AS FOLLOWS:

- 1) In this bylaw:
 - (a) CEMETERY SUPERVISOR means the Supervisor of the department responsible for cemetery operations for the Village of Stirling.
 - (b) ADMINISTRATOR means the CAO of the Village of Stirling.
 - (c) RESIDENT means those members of the public that reside within or pay taxes to the Village of Stirling and/or the County of Warner #5. Furthermore, members of the public who have "significant" family ties to the Village of Stirling will also be considered as a resident.

Stirling Cemetery

- 2)
 - (a) LEGAL DESCRIPTION:

PLAN 0011396
BLOCK 1
CONTAINING 8.7160 HECTARES (21.54 ACRES) MORE OR LESS EXCEPTING THEREOUT: PLAN NUMBER 0211530, 0.673 HECTARES (1.66 ACRES) MORE OR LESSEXCEPTING THEREOUT ALL MINES AND MINERALS

ATS REFERENCE: 4; 19; 6; 32; SW

- (b) That the lands described in Schedule "A" to this Bylaw, including those parts which have heretofore been set aside and used for cemetery purposes, are hereby established and set apart for use as a Public Cemetery in accordance with, and subject to, the provisions of this Bylaw.

Supervision and Control

- 3) That the Administrator shall have control and responsibility for all cemetery books, plans, records and documents. The Cemetery Supervisor shall be charged with the duty of the general operation and to ensure that the cemetery is kept in good order.

Burial Rights

- 4)
 - (a) Rights of burial in lots for residents and non-residents shall be sold in accordance with the provisions set out in Schedule "A" to this Bylaw.
 - (b) If a plot owner desires to sell their plot, they may only sell the plot back to the Village of Stirling for the value they originally paid.
 - (c) No more than one body shall be buried in a single grave, unless it is in the same casket.
 - (d) A maximum of four cremains may be buried in a single new plot.

Sales and Records

- 5)

The Administrator, or other persons so designated by him, shall make all sales of burial rights and shall receive and account for all money derived there from. All particulars of such sales shall be recorded for such purposes and a record shall be kept of the name or names of any person or persons buried in any plot, together with the date of any such burial.

Certificate of Burial

- 6)
 - (a) The Administrator or his designate shall issue to each purchaser of burial rights in any plot, a certificate of purchase in the form set out in Schedule

A to this Bylaw and the Administrator shall collect any and all fees for the opening and closing of graves and other works as provided for in this Bylaw.

- (b) It shall be a condition of each sale of plots that the plot owner expressly waives any rights to claims arising by reason of any error or misdescription of any burial plot. The Village 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 Village for a plot or plots; and the Village undertaking to make available equivalent quality of plots, in lieu of those originally allocated.

Rates for Burial

7)

The fees and charges for which burial services are provided are set forth in Schedule A, which is attached to this Bylaw.

Burial Permits

8)

- (a) No burial shall take place in the cemetery until there is a completed burial permit on file with the Administrator.
- (a) Internments will not be permitted until there is a burial permit issued by Province of Alberta.
- (c) A permanent outer box must be placed in the grave before internment.

Service of Notice

- 9. Any notice required to be given under the provisions of Section 16 of this bylaw may be given by serving the owner personally with any such notice or by mailing such notice by registered mail, addressed to the owner at his last known place of residence.

Raised Graves Prohibited

- 10. No plots or graves shall be raised above the level of the surrounding ground.

Vehicles Policy

11.

The Administrator may specify times and conditions under which motor vehicles may be in the cemetery.

Maintaining Order

12.

The Administrator or his designate shall have full authority for, and shall be responsible for, maintaining order in the said cemetery.

Removal of Unauthorized Objects

13.

The Administrator shall have the right, without notice to any interested person, to remove from the cemetery or from any lot therein any object found contrary to this Bylaw or policies attached hereto.

Sale of Burial Rights

14.

- (a) No plot in which the burial rights have heretofore been sold or are hereafter sold shall be used for any other purpose than as a place for the burial of human bodies or remains, and the owner of burial rights in any plot shall not allow burials therein for remuneration.
- (b) All new plots will be sold in succession.

Prior Notice

15.

- (a) If a grave is required to be prepared, the Village needs sufficient time to prepare the plot for burial. At least two business days prior to the burial would be appreciated; however, consideration may be given for special circumstances. Additional time may be required if the ground is frozen. Saturdays, Sundays and statutory or declared holidays shall not be classified as business days.

Damaging Property

16.

- (a) No person shall injure any tree, shrub or plant growing in the cemetery, nor pick or destroy any flower growing therein, or write upon, mark, scratch or deface any tablet, monument, plaque, cross, fence, gate, guiding or structure within or around the Cemetery.
- (b) The Village is not responsible for any damage to any plot or marker unless it was due to the negligence of its employees.

Penalties

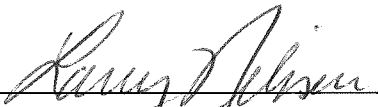
17.

Any person or corporation guilty of any infraction or breach of any of the provisions of the Bylaw shall upon conviction, therefore, before a Provincial Judge, be liable to a penalty not exceeding TWO THOUSAND (\$2000.00) DOLLARS.

Read a first time this the 2nd day of September, 2009.

Read a second time this the 16th day of September, 2009.

Read a third time and passed this the 7th day of October, 2009.



Mayor Larry Nilsson



Chief Administration Officer
J. Scott Barton

Schedule A

Plot Fees

	<u>Resident</u>	<u>Non-Resident</u>
SINGLE	\$300.00	\$600.00

Rates for Burial

	OPEN & CLOSE	DISINTERNMENT	OPEN & CLOSE LATE FUNERALS, FRIDAY AND SATURDAY FUNERALS	OPEN & CLOSE FOR BURIALS ON SUNDAY AND STATUTORY HOLIDAYS
Resident	\$400.00	COST	\$550.00	\$1200.00
Resident (Ashes)	\$150.00	COST	\$300.00	\$950.00
Non-Resident	\$800.00	COST	\$950.00	\$1600.00
Non-Resident (Ashes)	\$300.00	COST	\$750.00	\$1250.00

***Cemetery Marker Fee* \$10.00**

Closure must be done by funeral party

“Late Funeral” Charge will apply to any interment booked for 4:00 p.m. or later on any regular working day.

“Open and Close” shall include the following:

“Open” The digging and preparation of the grave, the repairing of any damage to the grave caused by cave-ins, etc.

“Close” The filling with earth and removal of surplus; the levelling of the graves and establishing grass on the grave.

Schedule B

Regulations Governing Markers

A. FLAT MARKERS

A flat marker shall mean a marker of approved granite, marble, or bronze inscribed with such lettering as may be desired by the owner of the burial rights and approved by the Supervisor in charge. The top of the flat marker shall not exceed one inch above level of the ground in which it is set and it shall align with existing markers. Metal flat markers must be set in/on a suitable foundation.

Size of Flat Markers (including foundations)

		<u>Length</u>	<u>Width</u>	<u>Thickness</u>
1.	Single	36"	24"	3"
2.	Double & Multiple	***	24"	3"

*** Maximum length will be determined by the number of plots the monument is intended to service. At no time may the monument exceed the combined total width of the plot.

B. PILLOWS

A pillow shall mean a rectangular, flat, or sloped section of marble or granite set so that the highest portion of the top of the pillow shall not be more than 16" measured vertically from the concrete foundation, and inscribed with such lettering as may be desired by the owner of the burial rights and approved by the Supervisor in charge. The pillow may or may not be set on a marble or granite base. If a marble or granite base is used, it shall project not less than 3" on all sides of the pillow and be of a thickness not greater than 8" and not less than 3". All pillow stones with or without marble or granite bases shall be set on a concrete foundation projecting a minimum of 4" on all sides of the pillow which foundation will be set to ground level.

Foundation Sizes for Pillows

		<u>Length</u>	<u>Width</u>	<u>Thickness</u>
1.	Single	36"	26"	3"
2.	Double & Multiple	***	26"	3"

*** Maximum length will be determined by the number of lots the monument is intended to service. At no time may the monument exceed the combined total width of the plot.

- C. **Additional upright monuments may be installed on plots in upright section to identify the interment of cremated remains, provided all monuments on the plot are set on one continuous foundation in line with others, and a minimum of 4" clearance from the edge of the monuments to the edge of the foundation is maintained on all sides.**
- D. Additional flat markers may be installed in the flat marker section to identify the interment of cremated remains provided all flat markers on the lot are poured and set in one continuous concrete pad. All flat markers set in concrete shall have a minimum of 2" of concrete on all sides of the marker.
- E. All monuments shall be installed facing on to the lot or grave, regardless of previous installations.
- F. Foot markers will not be permitted as covered in Section 10.

Regulations Surrounding Vases

Vases will be permitted in the cemetery provided that they are not of glass, pottery or other brittle material, and provided that they conform to the sizes specified below; and that they are anchored and maintained as specified below.

Vases must be so placed that there is a concrete or metal pad at least 5" wide between any part of the vase and the edge of the turf. This 5" clearance must extend vertically. The edge of the vase retaining ring should be of a minimum of 2" from the edge of the turf.

Vases must be such that they can be recessed flush with the surface of a flat marker sections or with the base in monument sections.

Vases must be of a permanent finish that will not wear, chip or deteriorate under normal cemetery conditions.

Any firm installing monument, flat markers, etc. with vases, in the cemetery must be prepared to provide the Village with a 10 year maintenance warranty on the vase and its installation at no cost of the Village.

Any vases which are deteriorated or damaged may be removed at the Cemetery Supervisors discretion.