

BY-LAW # 2016-02

OF THE TOWN OF VALLEYVIEW

IN THE PROVINCE OF ALBERTA

BEING a by-law to control the operation of the cemetery of the Town of Valleyview and District, and

WHEREAS the council of the Town of Valleyview, duly assembled, enacts as follows:

PART I

An Advisory Committee shall be formed to advise and recommend to the Town Council on matters relating to cemetery operation, memorial fund, trust fund and policies pertaining to the cemetery.

The Advisory Committee shall consist of:

- | | |
|-------------------|---|
| 1- Town Councilor | 1- MD of Greenview Councilor |
| 1- Legion Member | 1- Ministerial Association Representative |

The Advisory Committee members' term of office shall be for four years, to run concurrently with the Municipal election year.

The Advisory Committee will meet annually to review the budget and set priorities.

The Chairman is to be elected from within the Committee for a term of one year.

PART II

DEFINITIONS:

1. District means the portion of the MD of Greenview that is serviced by the Town of Valleyview

2. Cemetery means that facility operated by the Town of Valleyview located at Pt. of NW 23-70-22-W5, and called the Valleyview and District Cemetery.
3. Caretaker means the person placed in charge of the cemetery by resolution of Council.
4. Lot means a single grave site.
5. Plot means two or more lots shown on a plan and officially recorded with the Town.
6. Maintenance means both short and long term care of the cemetery.
7. Niche is a compartment in the Columbarium that is designed for a maximum of two cremains.
8. Monument- for the purpose of this by-law, a monument shall be understood to be any permanent memorial structure.

PART III

CONTROL:

1. The Municipal Council of the Town of Valleyview hereinafter delegates its authority to the caretaker with respect to the control and maintenance of the cemetery.
2. All powers granted to the caretaker by this by-law shall be subject to the supervision and control of the Municipal Council of the Town of Valleyview.
3. The Town of Valleyview Administrative Officers shall supervise all sales of lots, plots and niches.
4. The Town of Valleyview shall keep a correct account of all revenues and expenditures made in connection with the cemetery.
5. Two copies of all burial records and reservations shall be maintained in the Town office.

PART IV

CARE OF LOTS:

1. Any owner shall be allowed to place monuments, plant flower beds, or make any improvements on the lot(s), providing such work is in accordance with this by-law. Use the entire lot less six (6) inches from the boundary on all sides of the lot, is allowed for a period of no longer than one hundred and eighty (180) days from the date of interment, after which time the caretaker may level and landscape to municipal standards.
2. The owner of each lot shall have the right to improve his lot at his convenience subject to the provisions of this by-law.
3. No person or licensee shall plant any tree or shrub.
4. No person other than the caretaker shall remove any growing plants, flowers, slips or cuttings from anywhere in the Town cemetery.
5. The caretaker may remove after a period of one hundred and eighty (180) days from any lot, any weeds, grass, funeral design or floral pieces which may become wilted, or any other article deemed unsightly.
6. To ensure neatness and to preserve the beauty of the cemetery, the caretaker shall approve placement and removal of:
 - A) Wreaths, flowers and other removable mementos.
 - B) Flowers, shrubs, weeds and grass growing on graves.
7. The owner of niches will be allowed to place memorial displays in front of columbarium for 180 days from the date of interment, after which the caretaker may remove any article deemed unsightly.

PART V

MONUMENTS:

1. All memorials must be of granite, marble, limestone or bronze. No fixtures of any type such as pictures or ornaments made of breakable materials may be attached or affixed in any manner whatsoever to any part of a memorial.
2. The outside back of any monument on any adult grave, whether it be upright or flat, must be placed exactly six (6) inches from the boundary at the head of the lot as well as six inches from sides of the gravesite.

Maximum footprint size of the monument for a single plot would be forty-eight (48) inches wide and sixteen (16) inches deep. In the sections where concrete monument runners are provided, monuments need to fit in the space provided on the concrete monument runners.

3. Full length grave covers are not allowed due to the high maintenance factor.
4. All foundations for erecting memorials shall be made of concrete and must extend not less than six (6) inches around the complete base of the memorial and must be level with the surface of the ground.
5. The behavior of all workmen employed by others, upon the cemetery property shall be subject to the control of the caretaker. Contractors, masons, and stone cutters shall lay planks on the lots and paths over which heavy materials are to be moved in order to protect them from injury.
6. The caretaker is to approve any headstone or monument prior to placement on the grave.
7. It is the lot owner's responsibility to maintain the monument in a manner acceptable to the caretaker.
8. No person shall place upon any monument the name of the dealer, supplier or manufacturer.
9. Columbarium niches come with a twelve (12) inch by twelve (12) inch granite marker for engraving.

PART VI

SALES AND RESERVATIONS:

1. The Municipal Council shall from time to time review the Cemetery Operation Fee Schedule and set the prices for all lots and plots, and the charges for opening/closing of lots and care and maintenance.
2. Reservation for one or more lots or plots may be made, however, if after one hundred and eighty (180) days the lots or plots are not paid for, they will be forfeited.

3. Lots and plots may not be transferred for an amount greater than the original fees charged by the Town.
4. The caretaker may from time to time designate portions of the cemetery for the interment of Veterans of War in which Canada has participated.
5. It is a condition of every sale that the purchaser expressly waives any claim arising by reason of any error or misdescription of any burial plot. The Town undertakes that it will attempt insofar as it is reasonably possible, to avoid such errors but its liability shall only extend to refund in case of error, any money paid to the Town for a lot(s) or niche it undertakes to make an equivalent quality of lot(s) or niche available.
7. Application for interment should be made thirty-six (36) hours prior to the time established for burial from May to September inclusive and Forty-eight (48) hours during the months of November to April inclusive, not including weekends.

PART VII

MISCELLANEOUS:

1. The Town cemetery shall be open to the public for foot traffic from 8:00am until sundown between May 1st and October 31th in each year, and from 8:00am until 5:00pm from November 1st to April 30th each year. Keys to the main gate will be given to authorized persons only and will be kept at the Town office. Any person who causes a ground disturbance shall be wholly responsible for the cost of repair and maintenance of the area that is damaged.
2. If any trees, shrubs, plants, or other such impediments situated on or about the cemetery shall, in the opinion of the caretaker 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 of the grounds or dangerous or inconvenient to the public, the caretaker shall have the right to enter the said lot and remove such trees, shrubs or plants or parts thereof as may be considered detrimental, dangerous or inconvenient.

3. No person shall remove sod from any grave or from any portion of the cemetery without first obtaining the written consent of the caretaker.
4. No person shall erect on a lot or a plot any fence, railing, wall, stone copping, hedge or the like. Where any of the same have been previously erected around a plot or a lot and have by reason of age or neglect become unsightly or objectionable, the caretaker may cause such to be removed, after giving notice to the purchaser of the lot to notify them of intent to remove.
5. Posts to mark the limits of the lots are permissible provided they are located within the limits of the lots and are level with and not projecting above the ground.
6. Speed limits within the boundaries of Town cemetery shall be limited to 20 km/hr. The caretaker may prohibit the entrance of vehicles into the cemetery when the roads are not fit for vehicles. The owner of any motor vehicle shall be responsible for any damages done by such a vehicle within the boundaries of the cemetery.
7. It is unlawful for any person, body corporate or partnership to inter any dead body in any land situated within the Town limits.
8. The cemetery shall not be used for any purpose other than burial grounds for dead human bodies and human cremated remains.
9. All burials are to be made within the confines of a single lot. There must be a minimum of twelve (12) inches of earth between remains buried in adjoining lots. There shall not be more than two burials in a single adult grave space and there shall be a minimum of three (3) feet of earth above the outer shell. Double burial in one lot must be indicated at the time of sale of the lot.
10. There shall not be more than six (6) containers of cremated remains permitted per single lot. There must be a minimum of two and one half (2½) feet of earth placed over each container.
11. Provisions may be made to inter more than one stillborn body within the confines of one lot. There must be a minimum of one (1) foot of earth

between remains buried in such communal graves, with at least three feet of soil over the uppermost casket.

12. No person shall disturb the quiet and good order of the cemetery by noise or any other improper conduct.
13. Any person who willfully damages or destroys or removes any tomb, monuments, gravestone, or any other structure placed in the cemetery or any railing or other work for the protection or ornamentation of the cemetery or burial lot or willfully damages or destroys any tree, shrub or plant in the cemetery or any person who in the cemetery discharges firearms (save at military funerals) or commits a nuisance shall on summary conviction thereof be liable to a fine not exceeding \$2,500.00 and costs of prosecution.

READ a first time this ___12th___ day of ___September___ 2016, A.D

READ a second time this ___12th___ day of ___September___ 2016, A.D

READ a third time this ___12th___ day of ___September___ 2016, A.D

Mayor

Director of Administration