

**VILLAGE OF HUGHENDEN
PROVINCE OF ALBERTA
BYLAW NO. 480-14**

A BYLAW OF THE VILLAGE OF HUGHENDEN, IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR THE CONTROL AND REGULATION OF LAKEVIEW CEMETERY.

WHEREAS, The Village of Hughenden owns and operates a cemetery on land described as Part of SE ¼ 18-41-7W4M in the Province of Alberta;

AND WHEREAS, the Council of the Village of Hughenden deems it necessary to pass a bylaw respecting the operation of Lakeview Cemetery owned by the Village of Hughenden;

AND WHEREAS, the Municipal Government Act, R.S.A. 2000, Chapter M-26, as amended or repealed and replaced from time to time, authorizes the Village to regulate services provided by or on behalf of the Municipality;

NOW THEREFORE, the Council of the Village of Hughenden in the Province of Alberta, duly assembled, enacts as follows:

PART I BYLAW TITLE

1. This bylaw shall be known as the “Hughenden Cemetery Bylaw”.

PART II DEFINITIONS

1. For the purpose of this bylaw the following terms (unless the context specifically requires otherwise) shall have the following meanings:
 - (a) “Burial” means the interment of human remains or cremated human remains in a grave;
 - (b) “Cemetery” shall mean Lakeview Cemetery;
 - (c) “Committee” means the Hughenden Cemetery Committee, an advisory committee that **may** be formed by the Council of the Village of Hughenden to advise and make recommendations to Council on matters related to the management, planning and maintenance of the Cemetery;
 - (d) “Council” means the Council of the Village of Hughenden;
 - (e) “Foundation” means any structure for the purpose of supporting or providing a base for a monument;
 - (f) “Grave” means a lot used as a place of burial;

- (g) "Interment" means the excavation of a grave to the required depth and size, the placing (but not the provision) of an outer receptacle, the backfilling of the grave and the removal of any excess earth;
- (h) "Flowering Ornamental" shall mean any perennial, annual or bi-annual flowering plant;
- (i) "Maintenance Officer" means the person placed in charge of the Cemetery by the Village;
- (j) "Village" shall mean the Municipality of the Village of Hughenden, a Corporate Body in the Province of Alberta;
- (k) "Marker" shall mean a memorial of granite, marble, bronze or other material being flush with the ground;
- (l) "Monument" shall mean a memorial of granite, marble, bronze or other material, which extends or rises above the ground to within a certain height;
- (m) "Undertaker" shall mean any registered or licensed embalmer or mortician or any other person authorized by Provincial Statute to inter deceased persons;
- (n) "Liner" means a burial receptacle placed in the ground in a cemetery, either sectional, dome or box form designed and built to support the weight of the earth and standard cemetery maintenance equipment and to prevent the grave from collapsing;
- (o) "Plot" means a grave for the placement of dead human bodies or other human remains or the ashes of dead human remains that have been cremated;
- (p) "Woody Ornamental" shall mean any trees, shrubs and creeping or climbing plants;
- (q) "Perpetual Care" means the maintenance in perpetuity and in proper manner of the lots, plots or other space in the cemetery;

PART III AMINISTRATION

1. The operation of the Cemetery shall be in accordance with the Cemeteries Act, R.S.A. 2000, c.C-3, as amended or repealed or replaced from time to time;
2. The Village of Hughenden Administration shall be responsible for the selling of plots, the keeping of all necessary records and the collecting of fees and charges in connection with the Cemetery;
3. All fees and charges in connection with the sale, use and care of plots, and/or other facilities which are or may in the future be offered in connection with the Cemetery operation, shall be in accordance with Schedule "A" attached to and forming part of the Bylaw, or as may be amended from time to time by Council;

4. Cemetery information is available at the Village Administration office every day except Saturdays, Sundays, Mondays and Statutory Holidays;
5. The Maintenance Officer is hereby authorized to remove, or have removed, any weeds, grass, funeral designs or floral pieces which have become wilted, or any other article or thing which, in the opinion of the Village and Maintenance Officer, is unsightly;
6. When, in the opinion of the Maintenance Officer or the Village, any structure located on all or part of a plot, other than a Monument or marker, is in a state of disrepair, the Village shall notify the Owner or the owner's agent in writing, via registered mail, to the last address provided to the Village, and require repairs be undertaken within a specified time frame;
7. Any structure for which a notice has been provided pursuant to section 6, which is not repaired within the specified time period may be removed and Maintenance Officer shall retain possession of the structure for at least THIRTY (30) DAYS. Upon expiry of the THIRTY (30) day period, the Village may direct that the structure be retained for a further period of time, be disposed of by public auction or other directions as Village deems appropriate;
8. The Village and/or Maintenance Officer may take whatever action it feels is necessary to repair or remove a monument or marker in disrepair;
9. If any tree, shrub or other plant situated in any Plot shall, by means of its roots, branches or otherwise, in the opinion of the Maintenance Officer or the Village, becomes detrimental or dangerous to the adjacent Plots or visitors to the Cemetery, the Maintenance Officer may direct that the tree, shrub or other plant be pruned or removed. The cost of such work shall be paid by the Owner or the Owner's agent within THIRTY (30) days of receiving an invoice from the Village;
10. No person shall erect upon or around a Plot any fence, railing, wall, stone coping, hedge or such similar thing;
11. Where any fence, railing, wall, stone coping, hedge or such similar thing has been previously erected upon or around a Plot, prior to the coming in force of this Bylaw, the Owner or Owner's agent shall maintain the same in a neat and aesthetically acceptable condition. Where, in the opinion of the Maintenance Officer or the Village, any fence, railing, wall, stone coping, hedge or such similar thing has, by reason of age or neglect, become unsightly or objectionable, the Village may cause that structure to be removed. The cost of removal or restoration, if required, may be charged against the Owner, the Owner's agent or the person who erected the structure, as determined by the Village, in their sole discretion.

PART IV BURIAL PLOTS OR COMPARTMENTS

1. Burial Plots shall be available for the burial of human remains at all times and may be obtained from the Village upon payment of the appropriate fees as set out in Schedule "A";

2. No Plot shall be used for any purpose other than as a burial site for dead human remains or other human remains in the case of a Plot or the ashes of dead human bodies or other remains that have been cremated in the case of a Plot;
3. The Village reserves the right to limit the number of plots purchased and held in reserve up to four (4) plots;
4. No Plot shall contain more than one (1) dead human body in a casket or four (4) cremations buried in a single plot at any one time unless written permission has been received from the Village;
5. No Owner of a Plot may sell or transfer the same to any other person, except the Village. An offer for resale to the Village must be in writing and signed by the Owner or legal representative of the owner;
6. Where the Village receives a written offer to repurchase a Plot pursuant to section 5 the Village shall purchase the Plot and shall pay 85% of the market value of the Plot calculated as of the day the Village receives the written offer; (85% is the minimum payable according to the regulations)
7. Notwithstanding the provisions of section 5, a Plot may be transferred between members of the same family provided notice of this intention, including written consent of the Owner or legal representative of the Owner, is submitted to the Village prior to the transfer. No transfer to a family member is valid unless it is the subject of a written consent issued by the Village;
8. It is a condition of sale of every burial plot that the Village has the right to reclaim all unused burial plots after the period of fifty (50) years has expired, pursuant to the Cemeteries Act R.S.A. 2000, C.c-3 provided the Village has made every effort to notify the Owner or the owner's agent in writing, via registered mail, to the last address provided to the Village and THIRTY (30) days have expired from the date of the mailing;
9. All applications for a burial permit shall be made at least 48 hours before the time of interment. In the calculation of this time limit, Sundays and holidays shall not be included;
10. No person shall inter any remains without first obtaining a burial permit;
11. Regardless of the specific wording of any sale agreement or other agreement between the Village and a purchaser of a Plot, it is a condition of every agreement relating to the sale or use of a Plot, that the parties to the agreement expressly waive any right to claim against the Village and its officers and employees, arising by reason of any error or mistake in relation to the description of any burial plot.

PART V MONUMENTS

1. No person shall install, erect or place within the Cemetery, any Monument, marker, or structure without first obtaining a working permit;
2. The Village, upon receiving a written request for the placement of a Monument, may request such information as may, in the opinion of the Village, be required to ensure that the Monument is placed in a manner that accords with this bylaw and any Village policy, and may place conditions upon any approval granted;
3. Only one (1) Monument shall be placed per plot;
4. A Monument or marker placed upon any Plot shall be maintained in proper state of repair;
5. No Plot shall be covered, or partially covered by a concrete, stone or other type of slab, except where such a covering was already purchased prior to the coming into force of this Bylaw;
6. Under no circumstances will any structure in the old or new sections exceed the width and length of the burial plot;
7. Inscriptions on Monuments or Markers must be of sufficient depth and quality so as to be legible and durable. Metal plaques which oxidize or deteriorate are not permitted;
8. No inscription shall be placed on any Monument or Marker which is not in keeping with the dignity and decorum of the Cemetery;
9. All persons erecting Monuments or Markers shall ensure that such Monuments or Markers are firmly secured to the foundation, and that the foundation is adequate to carry the Monument or Marker.

PART VI INTERMENT

1. The Village or any officer thereof shall not be responsible for any mistake resulting from lack of precise or proper instruction regarding the burial plot where an interment is to be made or has been made;
2. No burials shall be permitted in the Cemetery unless a burial permit issued by the proper office of the Government of the Province of Alberta is produced by the party applying for the burial to the Chief Administrative Officer or the local funeral home;
3. The owner or person applying for the interment or disinterment permit shall be responsible for all costs and charges in connection with an interment or disinterment and shall comply with the requirements of this Bylaw and the Cemeteries Act, R.S.A. 2000, c.C-3, as amended or repealed and replaced from time to time;

4. No interment shall occur without written proof of ownership of the Plot, or without written consent of the owner or legal representative of the owner, where the permit holder is not the owner;
5. All burials shall occur within the confines of a single Plot at the discretion of the Village or Chief Administrative Officer;
6. All burials for non-cremated remains shall be placed in an outer receptacle;
7. All work being conducted in the immediate vicinity of the Burial plot shall be discontinued during a burial service at that burial plot;
8. Disinterment of a body shall not take place until a permit for disinterment is issued by the Provincial Director of Vital Statistics and delivered to the Village of Hughenden;
9. The person requesting a disinterment shall give complete and precise instructions regarding location of the grave. The Village of Hughenden shall not be responsible for any errors resulting from lack of proper instruction;

PART VII MAINTENANCE

1. The Maintenance Officer, under the advice of Council shall be responsible for the maintenance of the Cemetery grounds;
2. The Village and/or Maintenance Officer shall have no obligation to maintain individual Plots, Monuments or other structures placed on Plots;
3. No person shall throw, abandon or otherwise dispose of rubbish anywhere within the cemetery except in the receptacles specifically provided for that purpose by the Village;
4. No person shall change the grade of any Plot. Where the grade of a Plot has been changed, the Village may, without notice, proceed to restore the grade at the owner's sole expense;
5. No person shall place any thing on or adjacent to a Plot, which in the opinion of the Maintenance Officer or Chief Administrative Officer of the Village, restricts or hamper's regular maintenance activities;
6. No person shall plant any shrub, tree or flowers in any part of the Cemetery without first obtaining written approval from the Chief Administrative Officer of the Village, as applicable;
7. Every owner of a Monument or other erection upon any Burial Plot shall maintain it in proper repair;
8. The Chief Administrative Officer may authorize the removal of any Monument from a Burial Plot when necessary to gain access to another plot, provided that such Monument is re-installed in a like manner;

9. The Chief Administrative Officer shall have authority to have removed from any grave, any weeds, grass, funeral designs or floral pieces that have become wilted, or any other articles or things, which are in his opinion, unsightly;
10. Where any curbs, fences, railings, walls, copings, trellises, hedges, tree, or shrubs, or like on or around a burial plot have by reason of age or neglect become unsightly or objectionable, the Chief Administrative Officer may cause same to be removed, but in doing so, will leave the area in a safe, proper and neat condition;
11. Where the Chief Administrative Officer finds any monument, marker or other structure upon a burial plot in a state of disrepair, unsightly or objectionable, or directly interfering with routine cemetery maintenance, the Chief Administrative Officer may cause such to be removed, after thirty (30) days notice of the intention to do so has been given to the owners of the Plot, or to relatives if the owner is deceased, or published in a newspaper circulated in the Village of Hughenden, if the relatives are unknown;
12. No person shall turn loose, ride or allow going at large of any cattle, swine, horses, dogs, cats or any other animal in the Cemetery;
13. All material and equipment likely to injure any grass, shrubbery, monument, marker or cover shall be moved on planks or otherwise in such manner as to protect such grass, shrubbery, monuments, markers and covers from injury;
14. All vehicles shall use established roadways;
15. Any regulations not followed regarding structures on burial plots will result in the removal of said structure at the owner's expense;

PART VIII CEMETERY GENERAL PROVISIONS

1. No person shall disturb the quiet and good order of the Cemetery by noise or improper conduct;
2. No person shall drive any vehicle through the Cemetery at a speed exceeding 15 KM, or upon any part of the Cemetery except for the roadways provided specifically for vehicular access;
3. No person shall ride an All Terrain Vehicle, snowmobile, or horse in the Cemetery except as part of a funeral procession;
4. The owner of any vehicle causing or contributing to damage to a Plot, Monument, structure, or any part of the lands, or facilities of the Cemetery shall be responsible for cost and expenses incurred by the Village as a result of that damage;
5. No person shall drive any vehicle with a trailer within the Cemetery without first obtaining the written permission from the Chief Administrative Officer prior to entering the Cemetery;

6. No person shall enter the Cemetery carrying a firearm unless such person is participating in a military funeral and has lawful authority to bear such a firearm;
7. No person, other than authorized maintenance employees, shall disturb or remove or place any Flowering Ornamental, Woody Ornamental, sod or dirt anywhere in the Cemetery except as may be provided for herein;
8. No person shall place Woody Ornaments on a Burial Plot or at the head or foot of a grave;
9. No person shall destroy, damage, deface or write upon any Monument, Marker or other structure or object in the Cemetery;
10. No person shall create any nuisance, engage in activities such as games or sport, or otherwise engage in any activity that is, in the opinion of the Chief Administrative Officer, Maintenance Officer, a Peace Officer or Bylaw Enforcement Officer, indecent or disrespectful, disturbing to the solemnity or repose of the Cemetery, or disturbing of other persons assembled for the purpose of a funeral or interment within the Cemetery;

PART IX ENFORCEMENT

1. Any person who contravenes a provision of this Bylaw is guilty of an offence and is liable to pay a fine not exceeding \$5,000 exclusive of costs, for such breach thereof, or in the case of non-payment of the fine and costs, imprisonment for a period not exceeding 60 days.

PART X SEVERABILITY

1. Should any provision of this Bylaw be invalid then such invalid provision shall be severed and the remaining Bylaw shall be maintained.

PART XI ENACTMENT

1. This Bylaw shall come into effect as of the date of final reading thereof.
2. Bylaw 409 is hereby repealed.

READ A FIRST TIME THIS 18th day of March, 2014.

READ A SECOND TIME THIS 18th day of March, 2014.

READ A THIRD TIME THIS 18th day of MARCH, 2014.

SIGNED AND PASSED THIS 18th day of March, 2014.

**CHIEF ELECTED OFFICIAL
LEE VAN KOUGHNETT**

**CHIEF ADMINISTRATIVE OFFICER
LAWRENCE H. KOMARANSKY**

**VILLAGE OF HUGHENDEN
BYLAW NO. 480-14**

Schedule "A"
Fees and Charges

- | | |
|---------------------|----------|
| 1. Plots | \$100.00 |
| 2. Cleanup per plot | \$100.00 |