

**Office Consolidation of
Town of Bowden Bylaw No. 10-2012 (Cemetery Bylaw) &
Town of Bowden Bylaw 08 – 2013 (Cemetery Bylaw Amendment #1)**

Being a bylaw of the Town of Bowden in the Province of Alberta to provide for the control and management of the Bowden Cemetery being legally described as Lot 1, Block 1, Plan 921 2659 in the Province of Alberta.

WHEREAS the *Municipal Government Act*, being Chapter M-26 of the Revised Statutes of Alberta, 2000, and amendments thereto, authorize the Council of a Municipality to enact a *Cemetery Bylaw* to provide for the control and management of the Town of Bowden Cemetery.

1. Short Title

This bylaw may be cited as "The Cemetery Bylaw."

2. Definitions

2.1 **Base:** the bottom part or foundation of the lower portion of a monument.

2.2 **Block:** a specific area within the cemetery as designated by the Town of Bowden.

2.3 **Burial:** the placement of human remains or cremated remains in a grave.

2.4 **Burial Permit:** A legal document issued by a regulatory authority authorizing final disposition of human remains.

2.5 **CAO:** the Chief Administrative Officer of the Town of Bowden; the employee charged with the care and control of the Cemetery, or an employee of the Town to whom the CAO delegates the responsibilities under this Bylaw.

2.6 **Casket:** a rigid container usually constructed of wood, metal, or similar materials, ornamented and lined with fabric, designed for the encasement of human remains.

2.7 **Cemetery Services:** the disposition of human remains by interment or cremation and includes the supply of goods incidental to the provision of such service, but does not include the sale of lots.

2.8 **Caretaker(s):** employee(s) of the Town of Bowden or contractor (s) for the Town of Bowden working at the cemetery under the direction and supervision of the CAO.

2.9 **Columbarium:** an above ground structure containing compartments for the ashes of cremated human remains.

2.10 **Council:** the Council of the Town of Bowden.

2.11 **Death Certificate:** a legal document certifying the vital statistics pertaining to the life and death of a deceased individual.

2.12 **Disinterment:** the removal of human remains along with the casket or container or any remaining portion thereof from the lot in which remains had been buried.

2.13 **Field of Honour:** an area of the cemetery reserved for the interment of veterans and their spouses, and members of the Royal Canadian Mounted Police and their spouses.

2.14 **Flowering Ornamental:** any annual, bi-annual, or perennial flowering plant.

2.15 **Funeral Services:** the arrangements, care and preparation of human remains for burial, cremation or other disposition and includes the supply of goods incidental to the arrangements, care and preparation, but does not include the sale of lots.

2.16 **Grave:** one lot used or intended to be used for the burial of human remains or cremated human remains.

2.17 **Grave Liner:** a receptacle constructed of concrete or other non-decomposable material into which a casket or container holding human remains is placed during the burial process, or a vault constructed of concrete or other non-decomposable material into which an urn or box containing cremated human remains is placed during the burial process.

2.18 **Interment:** disposition by either burial of human remains or cremated human remains in a grave, or inurnment of cremated remains in a columbarium.

2.19 **Inurnment:** the process of placing cremated remains in a receptacle including, but not limited to, an urn and placing the urn into a niche in a columbarium.

2.20 **Lot:** a space for the purpose of interment in the cemetery as shown on the cemetery map on record with the Town that shall not contain more than one casket for human remains and four containers for cremated human remains.

2.21 **Maintenance:** shall mean mowing of the grounds and planting, pruning, or removal of any plants, shrubs or trees, as well as care of the walkways, roads, structures, fencing or gates installed by the Town.

2.22 **Maintenance Period:** shall mean that period from the conclusion of the Victoria Day statutory holiday weekend in May to Labour Day statutory holiday weekend in September.

2.23 **Monument:** shall mean any structure in the Cemetery erected or constructed on any lot for memorial purposes, any plate placed flush with the ground above cremated remains, or any etching on a niche cover.

2.24 **Niche:** shall mean a single compartment within a columbarium.

2.25 **Opening and Closing:** the process of making an interment or inurnment, but not limited to: administrative, legal, labour and mechanical services performed by the Town in conjunction with the opening of a lot in preparation for the burial of human or cremated remains, and the subsequent closing of the burial space after interment has been performed.

2.26 **Permit:** shall mean a prescribed form by the Town for application to carry out any work at the cemetery.

2.27 **Person:** shall include an individual, partnership, or corporation.

2.28 **Right of Interment:** a right, acquired by purchase, inheritance or transfer, for the interment of human remains or cremated remains in a lot.

2.29 **Ribbon:** an area of cement marking the lots upon which monuments may be permanently fastened.

2.30 **Town:** shall mean the Town of Bowden.

2.31 **Veteran:** a person, provided there is a regimental number, who was a member of the Armed Forces, or was a member of the Royal Canadian Mounted Police.

2.32 **Working Hours:** are the regular hours of work between 8:00 am and 3:30 pm, Monday through Friday, excluding declared or Statutory Holidays, or as designated by the Town.

3. General Duties, Rights and Powers

3.1 The Council of the Town of Bowden shall be the governing body of the Bowden Cemetery.

3.2 The CAO of the Town, or authorized person, shall maintain plans for burial purposes, including records of all interments and disinterments, at the Town office.

Copies of such plans shall be available for inspection free of charge at the Town Office during regular office hours.

3.3 The CAO, or authorized person, shall make all sales of lots in the cemetery including any columbarium niches and shall receive all money resulting from the sale of such lots. The CAO shall keep a current account of all such financial transactions.

3.4 The CAO, as Council's representative, 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.

3.5 The Right of Interment shall not include the use of a lot for any other purpose than the burial of human remains.

3.6 The Bowden Cemetery Association shall be an advisory body regarding the care and administration of the Bowden Cemetery with the following provisions:

- a. Members shall be volunteers who have paid a \$1.00 lifetime membership, as well as one representative of the Council of the Town of Bowden.
- b. The elected Executive of the Association shall be consulted regarding special requests that require the interpretation of this bylaw.
- c. The elected Executive of the Association shall be consulted regarding permission for access to the Cemetery for uses other than funeral services.

4. Right of Interment

4.1 The Town reserves the right to limit the number of lots developed and/or made available for sale each year.

4.2 At the time of the purchase of Right of Interment, the Town shall make disclosure of the usage of space requirements in effect at the Bowden Cemetery.

4.3 The fees for the purchase of the Right of Interment, opening or closing of lots, or a niche in a columbarium at the cemetery shall be in accordance with rates established by the Town as per Section 14 attached to and forming part of this bylaw.

4.4 Upon payment of the full price for the Right of Interment, the Town shall provide a receipt for the said sum and provide a certificate for such lot(s) to such person, or to that person's appointed representative.

4.5 Payment in full for the Right of Interment must be made at the time of reservation of lot(s).

4.6 Any person acquiring a lot or lots under the provision of this bylaw shall only acquire the right and privilege of burial of deceased person(s) therein subject to the provision of this bylaw and shall not be deemed to have acquired any title to the land which shall remain vested in the name of the Town .

4.7 If a Right of Interment purchased preneed is deemed unusable, for any reason, by the Town, the Town will supply a similar lot at no cost to the original purchaser or heirs, and the original lot shall revert to the Town.

4.8 Right of Interment may not be sold, traded, or transferred without registration at the Town for a fee as established in per Section 14 attached to and forming part of this bylaw. Right of Interment in the Field of Honour may only be resold to the Town or transferred to an individual as defined in Section 10.1.

4.9 If a Right of Interment is surrendered to the Town the original certificate of Right of Interment must be returned to the Town. Otherwise, a formal Document of Surrender must be completed. The fee for such return or surrender is established in per Section 14 attached to and forming part of this bylaw.

4.10 No lots shall be further subdivided or altered in any manner at variance with this bylaw and cemetery plans unless authorized by the Town.

5. Interment and Disinterment

5.1 All interments and disinterments in the Cemetery shall be under the control of the CAO of the Town of Bowden.

5.2 Lots shall be opened and closed only by persons employed by the Town and no person or persons not under the control or employment of the Town shall open or close any lot for the purpose of interring or disinterring a body or cremated remains.

- 5.3 Between May 1 and October 31 in any year, all applications for burials shall be made to the Town office at least 48 hours before the time for interment. Between November 1 and April 30, all applications for burials shall be made at least 72 hours before the time of interment.
- 5.4 Notwithstanding any other provisions of the Bylaw, orders for interment for Saturday, Sunday or Statutory Holidays must be placed with the Town office at least 72 hours before the burial is to take place, unless the CAO, for emergent reasons, otherwise allows.
- 5.5 Additional charges in respect of burials carried out on Saturday, Sunday, or Statutory Holidays shall be applied.
- 5.6 Additional charges in respect of burials carried out after 3:30 pm on weekdays shall be applied.
- 5.7 Additional charges in respect of burials carried out in frost conditions shall be applied.
- 5.8 The person requesting the opening of a lot, either for interment or disinterment, shall give complete and precise written instructions regarding the location of the lot and/or grave. The Town shall not be responsible for any errors resulting from the lack of proper instructions.
- 5.9 No interments shall be permitted in the cemetery unless and until there has been produced to the CAO, the following:
- a. A burial permit issued by the proper office of the Government of the Province of Alberta, and
 - b. a Certificate of the Right of Interment issued by the Town and applicable to the case in hand.
- Funeral homes that have entered into an agreement with the Town are responsible for meeting all of the above-noted requirements of interment.
- 5.10 All burials are to be made within the confines of a single lot. All burials must be limited to one adult body, or one adult and one child under the age of five in one casket or two children under the age of five in one casket.
- 5.11 An owner of the Right of Interment, or his or her agent, must give written permission to the CAO, or authorized person, to have cremated remains added to his or her burial plot.
- 5.12 Ashes, to a total of four cremated remains, may be buried in an occupied lot after the person in charge of the ashes has received permission and direction for such burial in the lot from the CAO.

- 5.13 Ashes of cremated remains, whether buried in an occupied or unoccupied lot, shall be buried according to a plan designated by the Town that requires the ashes to be buried at one of the four quadrants of the lot.
- 5.14 All urns containing cremated remains shall be enclosed in a vault not to exceed 40 cm by 40 cm. constructed of concrete, steel, fiberglass or other non-decomposable material.
- 5.15 All burials of cremated remains shall be marked by permanent means of a lawn-level marker within one year of burial; this marking to be the responsibility of the executors or agents ordering the burial and/or the Funeral home conducting the burial.
- 5.16 No grave for the burial of a deceased person of the age of five years or over shall be less than 1.83 m. (six feet) between the top of the casket and the surface of the ground.
- 5.17 No grave for the burial of a deceased person under the age of five years shall be less than 1.21 m (four feet) between the top of the casket and the surface of the ground.
- 5.18 No grave for the burial of cremated remains shall be less than 60 cm (two feet) depth between the top of the container and the surface of the ground.
- 5.19 The Town shall make available lots in the cemetery for unclaimed bodies of deceased persons and for the bodies of indigent persons.
- 5.20 In the case of a lot being held jointly by two or more parties, authority for interment in such lot, or any part thereof, will be accepted by the Town from any one of the said parties or their executors or agents.
- 5.21 No human remains shall be disinterred or removed from the cemetery for any purpose unless a licensed funeral director is in charge, the RCMP are advised, a disinterment permit has been issued by the Town of Bowden and any further permits issued as may be required by the Director of Vital Statistics. Disinterment fees are as established in Section 14 attached to and forming part of this bylaw.
- 5.22 All burials, either of bodies in caskets or containers, or cremated remains in urns or boxes, must be enclosed in a protective, sealable outer receptacle designed to restrict the entrance or exit of grave-site elements. These receptacles (burial vaults) may be of concrete, steel, fibre-glass or other non-decomposable material.
- 5.23 Families, or other related groups, may purchase a lot(s) in areas designated by the CAO for the purpose of erecting private columbaria.

6. Visitors

- 6.1 Visits to the Cemetery shall be limited to the daylight hours of dawn to dusk.
- 6.2 No person shall disturb the quiet and good order of the Cemetery by noise or other improper conduct.
- 6.3 No person shall destroy, damage, deface or write upon any monument or other structure or object in the Cemetery.
- 6.4 Visitors shall not deposit any refuse of any kind except in receptacles provided for that purpose.
- 6.5 No animal shall be allowed in the Cemetery unless such animal is on a leash and under the control of an adult person.
- 6.6 No person shall enter the Cemetery carrying firearms unless such person is participating in a military funeral.
- 6.7 Visitors to the cemetery shall use only the roads and walks and no one is to walk upon or across lots. The Town of Bowden expressly disclaims liability for any injuries sustained by anyone violating this rule.

7. Vehicles in the Cemetery

- 7.1 Vehicles in the cemetery shall keep to the roads provided except for those in use by cemetery employees in the performance of their work.
- 7.2 The Town may prohibit the driving of vehicles in the Cemetery when the roads are in an unfit condition, or may prohibit the driving of vehicles in a particular section of the cemetery. The owner of any vehicle disregarding any such prohibition shall be responsible for any damage done within the boundaries of the cemetery.
- 7.3 No person shall drive any vehicle through the Cemetery at a speed exceeding 15 km per hour.
- 7.4 No person shall ride a snowmobile, motorcycle or horse in the Cemetery unless part of a funeral procession.
- 7.5 The owner of any moving vehicle shall be responsible for any damage done by such vehicle within the boundaries of the Cemetery. Vehicles with trailers must obtain permission from the CAO prior to entry into the Cemetery.

8. Care of Lots and Monuments

- 8.1 The Town of Bowden is the provider of general care and maintenance of the Cemetery.
- 8.2 After an interment, the Town caretakers will cover lots with loam and seed them to grass during the Cemetery maintenance period.
- 8.3 All flowers, funeral designs or floral pieces shall be removed from lots thirty days after interment by the owner of the Right of Interment or his or her agent. After thirty days, the CAO may authorize the removal of such pieces without notice.
- 8.4 The Town caretakers shall have authority to remove all floral designs, flowers, weeds, trees, shrubs, plants or herbs of any kind from the cemetery as soon as they become unsightly, dangerous, diseased or detrimental to regular maintenance.
- 8.5 No person other than Town employees shall disturb or remove or place any flowering ornamental, woody ornamental, sod or dirt anywhere in the Cemetery.
- 8.6 Flowering ornamentals or woody ornamentals donated in memory of a deceased person will be planted by Town employees in a place in the Cemetery designated by the CAO.
- 8.7 No person shall plant woody ornamentals or flowering ornamentals on a lot or at the head or foot of a grave.

9. Monuments and Lot Site Installations

- 9.1 All persons employed in the construction and erection of monuments or doing other work in the Cemetery whether they are employed by the Town or not, shall be subject to the direction and control of the CAO. No work shall proceed until such work is authorized by the CAO.
- 9.2 No person shall erect, or cause to be erected any monument without submitting an application to erect a monument, including a description of the monument, to the Town and receiving approval from the Town.
- 9.3 All persons employed in the construction and erection of monuments or doing other work in the cemetery, whether employed by the Town or not, shall be subject to the rules and regulations as stated herein.

- 9.4 The following provisions apply to areas where no concrete base structure has been supplied:
- a. a concrete foundation extending 13 cm. (6 in.) on each side of the Monument not less than 13 cm. (6 in.) in depth and being at the level of ground adjoining the grave lot.
 - b. Monuments must be installed so as to have a 5 to 10 cm. (2-3 in.) clearance from the boundaries of the lot so as not to infringe on neighbouring lots.
 - c. Monuments must be placed on that portion of the Lot undisturbed by excavation and must be in line with other Monuments in that section of the Cemetery.
- 9.5 Monuments installed on concrete base structures (ribbons) must meet the following requirements:
- a. Monuments shall be constructed of granite, marble or bronze. Cairn or boulder monuments, or monuments constructed of other non-decomposable materials may be permitted upon application to the Town of Bowden.
 - b. Monuments must be installed so as to have a 5 to 10 cm. (2-3 in.) clearance from the edge of the ribbon and the boundaries of the lot so as not to infringe on neighbouring lots.
 - c. Flat markers must be mounted at lawn level and must not exceed 51cm (20in.) by 51cm (20in.). (As per amendment 08 – 2013, Cemetery Bylaw Amendment #1).
- 9.6 All persons erecting monuments shall ensure that such monuments are firmly secured to the foundation (whether such foundation is one installed for the purpose, or is the concrete base ribbon provided) and that the foundation is adequate to carry the monument.
- 9.7 All persons erecting monuments shall ensure that surrounding areas are left in the same condition as found.
- 9.8 No monument shall be removed from any lot without permission of the CAO.
- 9.9 No person shall erect or cause to be erected more than one monument and up to four flat markers on any one lot.
- 9.10 Grave covers are prohibited except those currently in existence. All other lots will be sown to grass and kept level with the surroundings.
- 9.11 Foot markers, or perimeter markers other than those installed at lawn level, are prohibited except those currently in existence.

9.12 Only by express order of the CAO or designate may Town employees do any work for lot owners.

10. Field of Honour

10.1 The Town shall set aside an area known as the Field of Honour which shall be reserved for burial of Canadian veterans and their spouses, and members of the Royal Canadian Mounted Police and their spouses.

11. Memorial Tree Park

11.1 An area of the Cemetery shall be reserved as a Memorial Park for the planting of memorial trees, the placement of memorial benches, or the placement of columbaria.

11.2 No human remains shall be buried in the tree park apart from those placed in a niche in a columbarium.

11.3 The Tree Park is the property of the Town of Bowden. Trees, memorial benches, or other structures are not to be placed in the park until permission has been received from the Bowden Cemetery Association.

11.4 Trees are the responsibility of the Town of Bowden and as such are not to be removed from the park.

11.5 Trees damaged by natural and non-natural weather conditions, or any other conditions will not be the responsibility of the Town of Bowden.

11.6 Memorabilia or other items placed around a tree shall not extend more than 75 cm. (2 ½ ft.) from the base of the tree.

11.7 The Town of Bowden reserves the right to remove any memorabilia, tributes, signage or other items at any time.

12. Liability

12.1 The Town will take all reasonable precautions to protect the property within the Cemetery, but assumes no responsibility for the loss of, or damage to, any monument, marker or part thereof, or any other articles placed on the lot, or to the lot itself.

13. Offences

13.1. A Person who person who contravenes any provision of this bylaw is guilty of an offence and is liable for a fine as follows:

SPECIFIED PENALTIES FOR OFFENCES UNDER THIS BYLAW

- a. First Offence: \$250.00
- b. Second Offence (OR A CONTINUING PRIOR FIRST OFFENCE): \$500.00
- c. Third Offence (OR A CONTINUING PRIOR SECOND OFFENCE): \$1,000.00

14. Rates

14.1 Upon passage of this Bylaw, cemetery rates as established in the Town of Bowden Rate Bylaw No. 03-2007 are hereby replaced with rates as follows:

NOTE – G.S.T. will be charged over and above all of the stated rates.

A. Sale of Lots	Resident	Non-Resident*
Standard Lot	\$300.00	\$1000.00
Field of Honor	\$150.00	\$150.00

B. Open/Close
Monday to Friday 8:00 A.M. to 3:30 P.M.

Open/Close Lot	\$450.00
Ashes/Cremains	\$225.00

After 3:30 P.M. Weekdays or Saturday, Sunday and Statutory Holidays or in frost conditions

Open/Close Lot	\$650.00
Ashes/Cremains	\$325.00

C. Disinterment

Similar Fees to the above will be charged.

D. Other charges for work performed by Town caretakers

For all other work or duties performed by Town caretakers not listed here, the CAO shall charge out at a rate of not less than \$100.00 per hour or portion thereof.

*A Non-Resident is defined as an individual whom has never lived in Bowden or Red Deer County.