

**CEMETERY BYLAW #1538-16
of the
Town of Pincher Creek**

**A Bylaw of the Town of Pincher Creek (the “Municipality”), in the Province of
Alberta, Regarding Fairview / Pioneer Cemetery Maintenance and Regulations**

The Council of the Town of Pincher Creek enacts as follows:

- 1) That the area of lands situated in a part of the Northwest Quarter of Section Twenty-Four (24) Township Six (6) Range Thirty (30) West of the Fourth Meridian and Section Twenty-Three (23) Township Six (6) Range Thirty(30) West of the Fourth Meridian, owned by the Town of Pincher Creek, St. John’s Anglican Church of Canada and the Roman Catholic Corporation of the Diocese of Calgary, be used as a public cemetery (Fairview/Pioneer Cemeteries), Anglican cemetery and Roman Catholic cemetery, governed by Town Council.
- 2) That all Cemetery Regulations and plots shall conform to the Alberta Cemetery Act General Regulation RSA 2000 Chapter C-3
- 3) That the Town of Pincher Creek shall keep a record of the said cemeteries, showing the names and addresses of the purchasers of the said lot, plot or niche, and the names, ages and dates of burial of all persons interred in the said cemeteries. No pre need reservations or interments shall be permitted in the cemeteries until a completed contract for services form has been approved by the appropriate authority, acknowledging receipt of payment in full of fees and charges. Whenever a lot, plot or niche is held jointly by two or more parties, or if the original owner is deceased, authority for interment in such lot, plot or niche or any part thereof will be accepted in writing by the Town from anyone of the said parties or their executors or agents. In the case of a dispute of ownership, the burden of proof lies with the family, not the Town of Pincher Creek. All transfer of ownership must be registered with the Town.
- 4) No remains shall be disinterred or removed from the cemetery for any purpose unless a Licensed Funeral Director is in charge, and a disinterment permit has been issued by the Director of Vital Statistics.
- 5) That all graves be at least 1.5 meters deep.

A maximum of four urns will be permitted in any plot following a traditional casket burial in that plot. A columbarium niche will allow for placement of two urns.

- 6) That no vehicle other than service or maintenance vehicles shall be permitted to drive within the cemeteries except on provided roadways.
- 7) That the building of any type of fence or wall as well as any trees around cemetery lots or plots is forbidden.
- 8) That all recognized Veterans Graves be marked with the approved metal Maple Leaf emblem supplied by the Royal Canadian Legion, Branch #43.
- 9) No animal shall be allowed in the Cemeteries unless such animal is on a leash and under the control of an adult person.
- 10) Bases of monuments, tombstones or markers must be at least 15.2 cm wider than the widest portion of the stone and of sufficient depth to support the weight being imposed thereon, and the top of the base must be flush with the surface of the surrounding ground.

All grave markers shall be not more than 76.2 cm in height from the top of the foundation as stated in this section.

- 11) That all fees for lot, plot or niche shall be paid to the Town of Pincher Creek, as per Schedule "A" FEE SCHEDULE and the Town of Pincher Creek shall, upon payment, grant a receipt which receipt shall be the sole title granted to any person purchasing a lot, plot or niche.
- 12) Inscription on the Columbarium will be permitted only on the granite slab provided for the niche. Inscriptions must only contain name, year of birth and year of death of deceased person. Double inscriptions will be permitted on niche granite slab provided double inurnment is purchased.
- 13) The Town of Pincher Creek shall make the final ruling on the provision of a plot for unclaimed bodies or bodies of indigent or destitute persons. The normal fee for digging and backfilling the grave will be charged as per the Cemeteries Act.
 - A) That the Town Council, appoint The Town of Pincher Creek Chief Administrative Officer as caretaker for the said cemeteries. The Chief Administrative Officer shall have the authority as per the MGA to delegate all or part of this authority. The Caretaker ensures compliance with this Bylaw
 - B) No work of any kind shall be done on gravesites in any of the cemeteries governed by this Bylaw, unless, or until, permission has been first granted by the Cemeteries caretaker.
 - C) All monuments being placed, altered or removed in the cemetery require a monument permit to be completed before any work can commence.

- D) The Caretaker shall have the full authority for and shall be responsible for maintaining order in the Cemeteries, and for removing anything that in his/her opinion makes the lot, plot or niche unsafe, untidy or unsightly.
 - E) That the planting of trees be in accordance with policy 700-11 Cemetery & Memorial Dedications
 - F) Due to the adverse soil conditions in the Fairview Cemetery, excavations for interment will be completed on the same day as the scheduled funeral, unless otherwise directed by the Caretaker.
 - G) The Town of Pincher Creek shall take all reasonable precautions to protect the property within the cemeteries, but assume no responsibility for the loss of, damage to, any Memorial Tablet marker or part thereof, or any other article placed on a Plot or to a Plot itself.
 - H) The Town shall report to a family member or responsible party of an installation that it is in disrepair. It shall be the duty of the family member or responsible party to repair or remove such installation.
 - I) No lot or plot shall be covered by any slab of concrete, stone or other similar material. The lot or plot will be sown to grass and kept level with the surroundings.
- 14) The Town may remove all installations at the cemeteries that were made without authorization by the Town.
- 15) The Town is hereby empowered to enforce all rules and regulations and to exclude from the cemeteries, any persons violating it. The Town shall have charge of the grounds and the buildings including the conduct of funerals, traffic employees, licensees, and visitors.
- 16) That any person or persons guilty of an infraction of this Bylaw be subject to a penalty not less than five hundred (\$500.00) dollars and not exceeding two thousand dollars (\$2,000) and costs, and in default of payment to imprisonment for a term of not less than ten days and not more than thirty days. 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. 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, from which he is liable under the provisions of this Bylaw.

17) Bylaw No. 1538-06 and amendments thereto are hereby repealed.

Read a First time this 12th day of December, 2016



Mayor (seal)



Chief Administrative Officer

Read a Second time this 9th day of January, 2017



Mayor, (seal)



Chief Administrative Officer

Read a Third time and passed this 9th day of January, 2017



Mayor, (seal)



Chief Administrative Officer

**SCHEDULE "A"
CEMETERY FEES**

BURIAL RIGHTS

Plot	\$275.00
Columbarium Niche (includes 1 st open and close)	\$700.00

SERVICES

Perpetual Care per Burial Site	\$350.00
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Burial Plot:

- Open and Close \$400.00
- Open and Close Non-Business Hours \$600.00
- Disinterment Full Burial Double the Regular Fee

Cremation:

- Registration \$100.00
- Open and Close \$150.00
- Open Only \$75.00
- Open and Close Non-Business Hours \$250.00
- Open Only Non-Business Hours \$125.00
- Disinterment Cremation \$300.00

Columbarium:

- Additional Open and Close \$150.00

Memorial Plaque	\$125.00
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Monument Permit	No Charge
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GST will be added at the time of sale