



A BYLAW OF THE TOWN OF RIMBEY, IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR THE CONTROL AND REGULATIONS OF THE RIMBEY CEMETERIES

WHEREAS

The Town of Rimbey is the owner and operator of both West Haven Cemetery and Mount Auburn Cemetery;

NOW
THEREFORE

The Municipal Council of the Town of Rimbey, duly assembled, hereby enacts as follows:

SECTION 1 - Title

1. This Bylaw may be cited as the Town of Rimbey Cemeteries Bylaw.

SECTION 2 – Definitions

In this bylaw, unless the context otherwise requires:

- a) "Artificial Ornaments" means any cut flowers, silk flowers or wreaths.
- b) "Burial" means the interment of human remains or cremated human remains in a grave.
- c) "Caretaker" means the employees actually working at the cemetery under the instruction and supervision of the Chief Administrative Officer.
- d) "Cement Liner" means a concrete burial receptacle placed in the plot into which the casket is lowered. The liner is designed to support the weight of the earth and standard cemetery maintenance equipment to prevent the grave from collapsing.
- e) "Cemetery" means land that is set apart or used as a place for the burial of dead human remains or cremated human remains.
- f) "Cemetery Board" means the Cemetery Board appointed by the Rimbey Town Council, and shall include any person authorized or appointed to carry out its duties.
- g) "Council" mean the Council of the Town of Rimbey.
- h) "Flowering Ornamental" means any perennial, annual and biannual flowering plant.
- i) "Grave" means a lot or niche used as a place of burial.
- j) "Lot" means a lot as shown on a plan of subdivision on record in the Town Office.
- k) "Monument" means any structure in a cemetery erected or constructed on a grave or lot for memorial purposes.
- l) "Niche" means a compartment as shown on a Columbarium Map on record in the Town Office for the storage of cremated remains.
- m) "Town" means the Town of Rimbey.
- n) "Woody Ornamental" means any trees shrubs, creepers and climbers.

SECTION 3 – Duties, Rights and Powers

- 1) The Cemetery Board is hereby established.
- 2) The Cemetery Board shall have five (5) members consisting of two



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- (2) Town of Rimbey Councillors, one (1) representative from Oberhammers Funeral Chapels Ltd, and one (1) representative from Wilson's Funeral Chapel and Crematorium (Rimbey) and the Town of Rimbey Chief Administrative Officer.
 - 3) All the members appointed to the Board will be appointed by the Council of the Town of Rimbey (the "Council") at the annual Organizational Meeting.
 - 4) Terms of reference will be adopted by resolution specifying the terms of reference of the Board and referencing this Bylaw 930/17.
 - 5) The Town of Rimbey Administration will make available to Cemetery Board a suitable venue for the holding of meetings.
 - 6) Three (3) members of the Cemetery Board shall constitute a quorum.
 - 7) The Chairperson of the Board shall be selected by the Board Members.
 - 8) All Cemetery Board meetings will be led by the Chairperson. It shall be the duty of the Chair to summon members for meetings.
 - 9) The Cemetery Board will follow, as closely as practical, in a manner adjudicated by the Chairperson, the procedural bylaw of the Town of Rimbey Council unless and until the Board establishes and adopts different procedures for conducting meetings which it may do at any duly constituted Cemetery Board Meeting.
 - 10) The mandate of the Board will be to provide recommendations to the Town of Rimbey Council regarding the Town of Rimbey's Cemeteries.
 - 11) The Town of Rimbey Council will consider, but will not be bound by any recommendation made by the Cemetery Board to Council.
 - 12) All Cemetery Board meetings will be open to the public.
 - 13) The Mayor shall be an ex-official member of all Council committees and boards which Council has a right to appoint members under the Municipal Government Act.
 - 14) Appointed Council members shall keep the rest of the Council informed of the actions of committees or boards to which they are appointed by Council by providing regular activity highlights through their Councillor reports and statements.
 - 15) The Cemetery Board will submit their Minutes to Rimbey Town Council to be accepted as information.
 - 16) All the powers to the Cemetery Board by this bylaw shall be subject to the supervision and control of the Town Council.
 - 17) The Cemetery Board shall have charge of the cemeteries and shall exercise control over all persons employed therein.
 - 18) It shall be the duty of the Cemetery Board to have lots available for the burial of human remains at all times.
 - 19) The Town shall have the authority to order that the graves in any particular section of the cemetery shall be laid in any direction the Town may consider suitable.



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- 20) The Town shall have the authority to have removed any weeds or grass, funeral designs, or floral pieces which may become wilted or any other article or thing which is in their opinion unsightly.
- 21) If, in the opinion of the Town, any woody ornamentals situated on or about the cemeteries shall 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 to the grounds or dangerous or inconvenient to the public, the Town shall have the right to remove such woody ornamentals or any parts thereof.
- 22) The Town shall have the right to remove fences, borders, railings, walls, hedges, copings and other enclosures now in existence as they may deem advisable after sufficient notice of their intention to do so has been published in a newspaper circulated in the Town if the relatives are unknown.
- 23) (a) No person shall disturb the quiet or good order of the cemetery by improper noise, improper conduct or otherwise.
 (b) A member of the Royal Canadian Mounted Police or the Cemetery Board or other person from time to time in charge of the cemeteries may evict therefrom using such force as is reasonable necessary, or deny entrance, to any person who contravenes paragraph (a) hereof.
- 24) Whenever the owner of a lot neglects to make the required repairs or alterations to a lot within 30 days after receiving written notice from the Town to do so, the Town shall have the power to repair such lot and charge the cost thereof to the owner which may be recovered as a debt from the owner to the Town.

SECTION 4 – Lots & Niches

- 1) The plans of subdivision of the lands made available for a burial purposes and the Columbarium Map now on record in the Rimbey Town Office, together with all subsequent plans of subdivision of such lands approved by the Town, shall be the plans of the cemetery herein referred to and all interments shall be made and records kept by the Rimbey Town Office in accordance with such plans. Copies of all such plans shall be made available for inspection free of charge at the Rimbey Town Office during normal office hours.
- 2) The Town Office shall administer all sales of lots and niches and interments in the cemetery.
- 3) The Town Office shall make all sales and receive all monies therefrom for all interments made in the cemeteries.
- 4) (a) Lots and Niches in the cemetery shall be sold by the Town upon the purchaser paying the amounts set forth in schedule “A” of this bylaw.
 (b) Schedule “A” may be changed from time to time by resolution of Council.
 (c) The funds received by the Town for perpetual care will be invested by the Town and the interest therefrom shall be used to offset the maintenance of the Town of Rimbey’s cemeteries.
- 5) Posts to mark the limits of the lots shall be permitted, provided that they are place within the limits of the lots and are level with and not projecting above the ground.



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SECTION 5 - Burials

- 1) No burial shall be permitted in the cemetery unless a proper burial permit is produced by the party applying for the burial. No interment shall be permitted until the Town is provided with the following particulars:
 - Name of deceased.
 - Name of Funeral Home or person responsible for the burial.
 - Date and time of burial.
 - Name and address of person to be billed for cemetery lot or niche and perpetual care fees.
- 2) The owner of a lot or niche, or the person instructing the Town to open a grave shall give complete and precise instructions regarding the location of the grave, and the Town shall not be responsible for any errors resulting from the lack of proper instructions.
- 3) The use of a cement liner is mandatory.
- 4) (a) Graves shall be dug and interments made only by persons under the supervision and direction of the Town. The Cemetery Board may restrict any grave openings during the winter months, having consideration for weather and ground conditions. The deceased person/persons shall be placed in the burial vault located in Mount Auburn Cemetery, at no charge, for such a period of time as is considered necessary by the Cemetery Board.
 - (b) No person or persons not under the control or supervision, in person or verbally, of the Town shall open any grave for the purpose of interring or disintering a body. A proper permit must be provided by the party applying for interment or disinterment.
- 5) No grave for burial of a deceased person shall be less than 1 meter in depth from the surface of the ground surrounding the grave, from the top of the outermost receptacle.
- 6) No grave for the burial of a stillborn child shall be less than fifty (50) centimeters in depth from the surface of the ground surrounding the grave, from the top of the outermost receptacle.
- 7) No grave for the burial of cremated remains shall be less than fifty (50) centimeters in depth from the surface of the ground surrounding the grave.
- 8) The burial of cremated remains shall be in such portion or portions of the cemetery as may from time to time be designated by the Cemetery Board.
- 9) In no case shall the cremated remains of more than four persons be interred in a full size lot and in no case shall the cremated remains of more than two persons be interred in a cremation lot or niche.
- 10) The body of an adult person shall not be interred in the same grave in which a body has previously been interred unless the first body has been buried at a depth of at least 250 centimeters from the surface of the ground to the bottom of the grave. The first interment must use a cement liner. In no case shall be bodies of more than two adult persons be interred in the same grave.



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- 11) When more than one body is interred in the same grave, the last interment shall be at a depth of at least one (1) meter from the surface of the ground to the top of the outermost receptacle.
- 12) No second interment shall be permitted in any lot in the cemetery on which there are unpaid charges due and payable to the Town.
- 13) All work in the immediate vicinity of a grave shall be discontinued during the burial service.
- 14) All burials within the limits of the cemetery shall be under the supervision and control of the Town, as outlined by this Bylaw.
- 15) Notwithstanding the foregoing, cremated human remains may be scattered on the surface of common ground at no charge. In order that concise records may be kept, applicants for this service must first contact the Town Office and supply the Town will a copy of the Certificate of Cremation along with the information required in Section 4(1) of this bylaw.
- 16) For the purpose of the preceding clause, "Common Ground" shall mean that portion of the cemeteries described in the cemetery plan.

SECTION 6 – Monument

- 1) All persons employed in the construction and erection of monuments or doing other work in the cemeteries whether employed by the Town or not shall be subject to the direction and control, directly or verbally, of the Town.
- 2) No monument shall be erected in the cemeteries until the design, description, and materials have been approved by the Town, a permit for the erection of such monument has been issued and the prescribed fee for such permit as provided for in Schedule "A" of this Bylaw has been paid. Monuments which are placed without a permit will be removed.
- 3) All monuments placed on Columbarium Niches shall be a standard 10x7 bronze wreath with bud vases.
- 4) Except in Mount Auburn Cemetery, all monuments shall be placed on the foundation provided by the Town and shall be confined within the boundaries of the respective lots, and all monuments shall not exceed 40.5 centimeters above the foundation, or not be within 5 centimeters of the edge of the foundation, provided by the Town.
- 5) No monument shall be erected on Saturdays, Sundays, or holidays unless permission in writing has been granted by the Chief Administrative Officer.
- 6) Except in the Mount Auburn Cemetery, all persons erecting monuments shall ensure to the satisfaction of the Town that such monuments are firmly secured to the foundation.
- 7) All persons erecting monuments shall ensure that the surrounding areas are left in the same conditions found.
- 8) No work shall be done upon any monument, nor shall any monument be removed from any grave or lot without the permission of the Town.



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- 9) Concrete or stone slab covers over graves are prohibited.
- 10) The Town shall not be liable for damages resulting from theft, vandalism or damage whatsoever caused to monuments erected upon a plot.
- 11) The Cemetery Board reserves the right to remove any monument at the owner's cost, with written notice.
- 12) Whenever the owner of a lot neglects to make the required repairs or alterations to a monument within 30 days after receiving written notice from the Town to do so, the Town shall have the power to repair such monuments and charge the cost thereof to the owner which may be recovered as a debt from the owner to the Town.
- 13) Notwithstanding subsections 1-10, no upright marker shall be permitted in the West Haven Cemetery.

SECTION 7 - Visitors

- 1) No person shall enter or remain in the cemeteries between the hours of 10:00 p.m. of any day and 6:00 a.m. of the following day.

SECTION 8 – Vehicles in the Cemeteries

- 1) No person shall drive any vehicle through any cemetery at a greater rate of speed than 15 k/h.
- 2) The Cemetery Board may prohibit the driving of vehicles in any part of the cemeteries.
- 3) The Cemetery Board may prohibit the driving of any vehicle in the cemeteries when the roads are in an unfit condition.
- 4) Unless authorized by the Cemetery Board, no bicycle, motorcycle, or horse shall be allowed in the cemeteries except when it is part of a funeral procession.
- 5) The owner of any moving vehicle shall be responsible for any damage done by such vehicle within the boundaries of the cemeteries.

SECTION 9 – General Provisions

- 1) Unless permission has been obtained from the Town, no person shall remove, destroy, prune or otherwise interfere with any woody or flowering ornaments in the cemeteries. Any woody ornamentals planted within the boundaries of the cemeteries must be done so under the authorization and/or supervision of the Town.
- 2) Fences, railings, walls, copings, hedges, in or around the lots are prohibited.
- 3) Artificial ornaments are allowed in a continuous basis unless they become unsightly as noted in Section 2(5).
- 4) No person shall destroy, damage, deface or write upon any monument, tablet or other structure or object in the cemeteries.



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- 5) No person shall deposit any paper, sticks, or refuse of any kind on any portion of the lands within the boundaries of the cemeteries except in receptacles provided for that purpose.
- 6) No person shall remove the sod in graves or from any portion of any lot in the cemeteries without first obtaining the written consent of the Chief Administrative Officer.
- 7) All grading, seeding of grass, and sodding work shall be done under the direction of the Town.
- 8) No person, other than an employee of the Town, or the owner of a lot or his agent shall be permitted to care for any lot in any cemetery.
- 9) Benches of a style approved by the Cemetery Board may be permitted in the cemeteries under such conditions as the Cemetery Board may order.
- 10) The tops of lots or graves shall be kept level with the surrounding ground.
- 11) No animal shall be allowed in any cemetery unless such animal is on a leash and accompanied by an adult person.
- 12) The Town shall operate the cemeteries in accordance with the Cemeteries Act of Alberta, and other provincial and federal legislation and regulations.
- 13) Flowers are restricted to the bud vases on all niches.

SECTION 10 – Penalty

- 1) Any person who commits a breach of any of the provisions of this bylaw shall on conviction for such breach be liable to a penalty not exceeding five hundred (\$500.00) dollars, or not less than twenty five (\$25.00) dollars, exclusive of costs, or in the case of non-payment if the fine and cost imposed to imprisonment for any period not exceeding sixty (60) days.

All previous bylaws pertaining to cemeteries in Rimbey are hereby rescinded.

This Bylaw shall come into effect on the date of final passage thereof.



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READ a First Time in Council this 23 day of January 2017.

READ a Second Time in Council this 23 day of January 2017.

UNANIMOUSLY AGREED to present this Bylaw for Third and Final Reading.

READ a Third Time and Finally Passed this 23 day of January 2017.

A handwritten signature in blue ink, appearing to read "Rick Pankiw", written over a horizontal line.

Mayor Rick Pankiw

A handwritten signature in blue ink, appearing to read "Lori Hillis", written over a horizontal line.

Chief Administrative Officer Lori Hillis