

**Municipal District of Fairview No. 136  
Province of Alberta**

**Bylaw No. 992/CEM/2022**

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**A Bylaw of the Municipal District of Fairview No. 136, in the Province of Alberta,  
respecting cemeteries operated by the Municipal District of Fairview No. 136.**

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**WHEREAS**, the Cemeteries Act, R.S.A. 2000 c. C-3, as amended, and the regulations thereunder, permit a Municipality to own and operate cemeteries within its boundaries;

**WHEREAS**, the *Municipal Government Act*, R.S.A. 2000 c. M-26, as amended, authorizes a Municipality to pass bylaws for municipal purposes respecting services provided by the Municipality;

**WHEREAS**, the Municipal District of Fairview No. 136 deems it necessary to pass a bylaw respecting the operation of cemeteries owned by the Municipal District of Fairview No. 136;

**NOW THEREFORE**, the Council of the Municipal District of Fairview No. 136, duly assembles, enacts as follows:

**1.0 SHORT TITLE**

1.1 This Bylaw may be cited as the "Cemetery Bylaw".

**2.0 DEFINITIONS**

2.1 "**Authorized Representative**" means the person who controls the disposition of human remains or cremated remains pursuant to the *General Regulation*, AR 249/98, as amended;

2.2 "**Burial Permit**" means a Burial/Disposition Permit issued pursuant to the *Vital Statistics Act*, S.A. 2007, c. V-4.1, as amended;

2.3 "**Burial Plot**" means a five (5) feet by ten (10) feet lot in a cemetery designated for the interment of human bodies or other human remains;

2.4 "**Caretaker**" means an employee of the Municipal District of Fairview No. 136 who has been assigned duties at a cemetery by the Chief Administrative Officer (CAO) or designate;

2.5 "**Cemetery**" means any of the lands owned and operated by the Municipal District of Fairview No. 136, which is set apart for, or used as, a place for the interment of human bodies or other human remains;

2.6 "**Cemeteries Act**" means the *Cemeteries Act*, R.S.A. 2000, c. C-4, as amended;

2.7 "**Chief Administrative Officer (CAO)**" means the person appointed as the Chief Administrative Officer for the Municipal District of Fairview No. 136 pursuant to the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended;

- 2.8 **“Columbarium”** means a structure, with individual compartments or niches, that is designed for storing the ashes of human bodies or other human remains that have been cremated;
- 2.9 **“Compartment”** means a recessed space in a Columbarium designed for the interment of ashes of human bodies or other human remains that have been cremated;
- 2.10 **“Continuous Monument Runner”** means an uninterrupted length of concrete on which monuments may be placed;
- 2.11 **“Council”** means the duly elected Council of the Municipal District of Fairview No. 136;
- 2.12 **“Cremated Remains”** or **“Cremains”** means the ashes of human bodies or other human remains that have been cremated;
- 2.13 **“Disinter”** or **“Disinterment”** means the removal of a human body or other human remains from a closed Burial Plot or Niche;
- 2.14 **“Disinterment Permit”** means the permit authorizing a Disinterment issued pursuant to the *Vital Statistics Act*, S.A. 2007, c. V-4.1, as amended, by a Director of Vital Statistics;
- 2.15 **“Family Columbarium”** means a Columbarium privately purchased and owned (not purchased or owned by the Municipality) for the Interment of Cremated Remains of related family members;
- 2.16 **“Field of Honour”** means an area of a Cemetery reserved for the burial of veterans and their spouses;
- 2.17 **“Indigent”** means a person without means, support or known relatives requiring interment at a Cemetery;
- 2.18 **“Inter”** or **“Interment”** means the closing and burial of a casket containing a human body or other human remains or, in the case of Cremated Remains, an urn, in an in-ground Burial Plot or a Niche;
- 2.19 **“Land Titles Act”** means the *Land Titles Act*, R.S.A.2000, c. L-4, as amended;
- 2.20 **“Monument”** means any structure constructed or erected on any Burial Plot or Continuous Monument Runner for memorial purposes;
- 2.21 **“Municipality”** means the Municipal District of Fairview No. 136;
- 2.22 **“Municipal Government Act”** means the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended;
- 2.23 **“Niche”** means a compartment of a Columbarium;
- 2.24 **“Public columbarium”** means a Columbarium purchased and owned by the Municipality;
- 2.25 **“Public Health Act”** means the *Public Health Act*, R.S.A. 2000, C. P-37, as amended;

- 2.26 “**Sales Contract**” means the agreement made with the Municipal District of Fairview No. 136 for the purchase of a Burial Plot or Niche, or other cemetery supplies or services as defined by the by the *Cemeteries Act*;
- 2.27 “**Veteran**” means those persons who have been in active service with the Armed Forces of Her Majesty or of her Majesty’s Allies as defined in the *War Veterans Allowance Act*, R.S.C., 1985, C. W-3, and the regulations thereunder; and,
- 2.28 “**Vital Statistics Act**” mean the *Vital Statistics Act*, S.A. 2007, c. V-4.1, as amended;

### **3.0 MUNICIPAL CEMETERIES**

3.1 Council hereby establishes the following lands to be set aside, operated, used and maintained by the Municipality as Cemeteries pursuant to the *Cemeteries Act*:

- a) Old Waterhole Cemetery, located at SE-16-81-03-W6;
- b) Waterhole Cemetery, located at SW-15-81-03-W6; and,
- c) Whitelaw Cemetery, located at SE-15-82-01-W6.

3.2 Council shall, from time to time, designate a portion of a Cemetery for:

- a) Field of Honour for the burial of Veterans;
- b) Erection of a Public Columbarium;
- c) Burial for Indigent persons and for unclaimed bodies; or,
- d) Other purposes, as deemed necessary by Council.

### **4.0 ADMINISTRATION, OPERATION AND MANAGEMENT OF CEMETERIES**

4.1 The Municipality shall keep available for public inspection all Cemetery plans and any other information that may be required under the *Cemeteries Act* and the regulations enacted thereunder, during business hours at the Municipal Office, located at 10957 91<sup>st</sup> Avenue, Fairview, Alberta.

4.2 The CAO shall be responsible for the administration, operation and management of Cemeteries in accordance with this bylaw, the *Cemeteries Act* and all regulations enacted thereunder, and all applicable Municipal, Provincial and Federal legislation, regulations and policies.

4.3 The CAO may designate one or more employees to be responsible for the day-to-day operation of Cemeteries.

### **5.0 FEES AND CHARGES**

5.1 All fees and charges relating to municipal Cemeteries including, but not limited to, the fees for purchase of Burial Plots and Niches, shall be specified in the Fees and Rates Bylaw, as amended from time to time and approved by Council.

## **6.0 SALE AND TRANSFERS OF BURIAL PLOTS AND NICHEs**

- 6.1 A person shall only be permitted to purchase a maximum of three (3) Burial Plots.
- 6.2 Any person wishing to purchase a Burial Plot or Niche is required to pay the applicable fee and enter into a written Sales Contract which shall include, but not be limited to, the following:
- a) Name of purchaser,
  - b) Name of the individual(s) for whom the Burial Plot or Niche is reserved,
  - c) Date of purchase,
  - d) Amount of sale and the terms of payment,
  - e) In the case of a Burial Plot, its location (by block and lot) and dimensions,
  - f) In the case of a Niche, identification of the Columbarium as well as the number or other designation of the Niche, and
  - g) A statement disclosing what portion of the money paid as the consideration under the contract is for the provision of perpetual care.
- 6.3 It is a condition, either written or implied, of every Sales Contract for a Burial Plot or Niche, that the purchaser expressly waives any claim against the Municipality, its officers and employees, arising by reason of any error or misdescription of any Burial plot or Niche. The Municipality shall attempt insofar as is reasonably possible, to avoid such errors and misdescriptions. However, in the event of an error or misdescription, liability of the Municipality shall only extend to a refund of any money paid to the Municipality for the burial plot(s) or niches(s) and an offer to make equivalent quality burial plot(s) or Niche(s) available in lieu of those originally allocated.
- 6.4 Ownership of all Cemetery lands remains at all times vested in the Municipality. A Sales Contract for a Burial Plot or Niche confers only upon the purchaser the right and privilege to Inter human remains and install monuments in memoriam, subject to the provisions of this Bylaw and all other applicable Municipal, Provincial and Federal legislation, regulations and policies.
- 6.5 All Burial Plots and Niches shall be held and disposed of free from the provisions of the *Land Titles Act*.
- 6.6 The Municipality retains the right of passage over every Burial Plot sold, for purposes relating to Cemetery operations.
- 6.7 Unused Burial Plots or Niches which have been purchased pursuant to a Sales Contract, shall not be resold by the owner, but may be transferred back to the Municipality in consideration of the return of the purchase price to the purchaser. Proof of purchase must accompany any request for a refund.

Unused Burial Plots or Niches which have been purchased pursuant to a Sales Contract may be transferred by the owner to another individual, upon completing and submitting a Transfer Application, together with any applicable fee, to the Municipality.

## **7.0 BURIAL PLOTS**

- 7.1 All Burial Plots are five (5) feet in width and ten (10) feet in length.
- 7.2 Burial plots sold prior to the enactment of this Bylaw shall adhere to the original dimensions.
- 7.3 No Burial Plot shall be located closer than thirty (30) feet to a public highway.
- 7.4 Burial Plots shall not be used for any purpose other than the burial of dead human bodies or other human remains.
- 7.5 A Burial Plot shall contain no more than:
- a) one (1) human body and two (2) sets of Cremated Remains, with one set of Cremated Remains at the head of the Burial Plot and one set of Cremated Remains at the foot of the Burial Plot; or,
  - b) four (4) sets of Cremated Remains, with one set of Cremated Remains in each quadrant of the Burial Plot.

## **8.0 NICHES**

- 8.1 All above-ground Interments shall be in a Niche in a Public Columbarium or a Family Columbarium.
- 8.2 No Niche in a Public Columbarium or Family Columbarium shall be used for any purposes other than the Interment of Cremated Remains.
- 8.3 No Niche in a Public Columbarium or a Family Columbarium shall contain more than two (2) sets of Cremated Remains unless written approval has been granted by the CAO or designate.
- 8.4 An urn to be placed in a Niche in a Public Columbarium or a Family Columbarium shall be made of a material manufactured for the express purpose of containing Cremated Remains.

## **9.0 INTERMENT**

- 9.1 No Interment shall be undertaken in a Burial Plot or a Niche in a Cemetery unless:
- a) An Application for Interment has been submitted and approved by the Municipality;
  - b) If applicable, a Burial Plot or Niche has been purchased, a Sales Contract has been executed, and all related fees have been paid in full;
  - c) A Burial Permit has been submitted to the Municipality; and,
  - d) The planned location of the Cremated Remains has been identified.
- 9.2 All Applications for Interment shall be made at least 72 hours prior to the time of Interment and shall be made during office hours, unless the CAO or designate, otherwise allows.

- 9.3 The Municipality shall be responsible for locating and marking a Burial Plot or Niche into which human remains or Cremated Remains will be Interred, prior to the scheduled date of Interment. The Municipality shall have no further responsibility in relation to Interment of human remains or Cremated Remains into a Burial Plot or Niche.
- 9.4 It shall be the sole responsibility of an Authorized Representative of the deceased to make all necessary arrangements in relation to Interment of the human remains or Cremated Remains including, but not limited to, any excavation, backfilling, grading and sowing of grass that may be required.
- 9.5 An Authorized Representative of the deceased shall ensure that the Interment of human remains or cremated remains is completed in compliance with all applicable Federal, Provincial, and Municipal legislation, regulations, policies and procedures including, but not limited to:
- *Cemeteries Act*,
  - *Public Health Act*,
  - *Vital Statistics Act*, and
  - Municipal Policy CEM01
- 9.6 Each Interment of human remains or Cremated Remains shall be made in a completely enclosed container, in accordance with the *Cemeteries Act*, the *Public Health Act* and all regulations thereunder.
- 9.7 If a substantial grave liner is used, a casket Interment of human remains shall provide for not less than 2 feet of earth between the ground surface level and the top of the grave liner.
- If no such substantial grave liner is used, a casket Interment of human remains shall provide for not less than 3 feet of earth between the ground surface level and the top of the casket.
- 9.8 An interment of cremated remains in a Burial Lot shall provide for not less than 18 inches between the top of the urn and the ground surface level. Above-ground Interment of Cremated Remains shall only be permitted in Niches of Public or Family Columbaria.
- 9.9 Two casket Interments in the same Burial Plot shall not be permitted. Two casket Interments completed prior to the enactment of this Bylaw shall adhere to the original provisions.
- 9.10 A casket Interment cannot be completed if Cremated Remains are already present in a Burial Plot.
- 9.11 A Burial Plot shall be sown to grass and kept level with surrounding areas.

## **10.0 DISINTERMENT**

- 10.1 No human remains shall be Disinterred unless the Municipality has been provided:

- a) A written request for Disinterment by the owner of a Burial Plot or Niche, or the Authorized Representative of the deceased person Interred therein, and
  - b) A Disinterment Permit issued in accordance with the *Vital Statistics Act*.
- 10.2 The owner of a Burial Plot or Niche, or the Authorized Representative of a deceased person Interred therein shall be responsible for making all arrangements for Disinterment and for all costs associated with the same.
- 10.3 The Municipality shall assume no responsibility for any of the costs associated with a Disinterment in a Cemetery.
- 10.4 The owner of a Burial Plot or Niche, or the Authorized Representative of a deceased person Interred therein shall ensure that the Disinterment of human remains or Cremated Remains is completed in compliance with all applicable Federal, Provincial, and Municipal legislation, regulations, policies and procedures including, but not limited to:
- *Cemeteries Act*,
  - *Public Health Act*,
  - *Vital Statistics Act*, and
  - Municipal Policy CEM01 (Cemetery Grave Policy).

## **11.0 MONUMENTS**

11.1 The purchase of a Niche in a Public Columbarium includes the supply of a granite Niche cover, which can be inscribed with lettering or pictures. Inscriptions on a Niche cover shall meet the following requirements:

- a) Inscriptions must be of sufficient depth and quality so as to be legible and durable. Metal plaques which oxidize or deteriorate are not permitted; and,
- b) The appearance of a Monument and the inscriptions thereon, shall be in keeping with the dignity and decorum of a Cemetery.

The Municipality shall not be responsible for any costs associated with inscriptions on Niche covers in a Public Columbarium.

11.2 Inscriptions of lettering or pictures on a niche cover in a Family Columbarium shall meet the following requirements

- a) Inscriptions must be of sufficient depth and quality so as to be legible and durable. Metal plaques which oxidize or deteriorate are not permitted; and,
- b) The appearance of a Monument and the inscriptions thereon, shall be in keeping with the dignity and decorum of a Cemetery.

The Municipality shall not be responsible for any costs associated with inscriptions on Niche covers in a Family Columbarium.

11.3 Except where such installation presently exists, no Burial Plot shall be covered by any slab of concrete, stone or other similar material.

11.4 In areas of cemeteries where Continuous Monument Runners have been constructed:

- a) A Monument shall be of such width that once installed, six (6) inches of space remains between the outer edges of the Monument the respective boundaries of the Burial Plot;
- b) A Monument shall be of such depth that once installed, a minimum of one (1) inch remains from the back edge of the Monument to the center of the Continuous Monument Runner. For the purposes of clarity, a Monument shall not occupy more than one half (1/2) less one (1) inch of the depth of the Continuous Monument Runner; and,
- c) Only one monument shall be permitted for each Burial Plot, and

11.5 In areas of cemeteries where no continuous monument runners have been constructed:

- a) 12 full months must elapse between the date of interment and installation of a monument;
- b) A concrete foundation shall:
  - Be constructed using a proper form;
  - At a minimum, match or exceed the dimensions of the Monument;
  - Extend below-ground a minimum of 6 inches;
  - Be level to the ground adjoining the Burial Plot;
  - Be sufficient to sustain the weight of the Monument; and,
  - Be of such a width that six (6) inches of space remains between the outer edges of the concrete foundations and the respective boundaries of the Burial Plot;
- c) A Monument shall be firmly secured to its concrete foundation and must be in line with other Monuments installed in that section of the Cemetery; and,
- d) A Monument shall not exceed 18 inches in depth and shall be of such width that a minimum of 6 inches of space remains between the edge of its concrete foundation and the boundary of the Burial Plot.

11.6 All Monuments shall meet the following general requirements:

- c) A Monument shall be constructed of granite, marble or bronze;
- d) Inscriptions on a Monument must be of sufficient depth and quality so as to be legible and durable. Metal plaques which oxidize or deteriorate are not permitted; and,
- e) The appearance of a Monument and the inscriptions thereon, shall be in keeping with the dignity and decorum of a Cemetery;

11.7 The purchase, installation and maintenance of any Monument in a Cemetery is the sole responsibility of the Authorized Representative of the deceased person. Further, the Municipality will not be responsible for any damage which may be caused in any way whatsoever to any Monument installed in a Cemetery.

11.8 No person shall erect or install any Monument or other memorial structure on a Burial Plot or in a Cemetery without having written approval from the Municipality. Any such items installed or erected on a Burial Plot or in a Cemetery without approval shall be removed by the Municipality without notice.

## 12.0 **FAMILY COLUMBARIA**



- 12.1 All requests for placement of a Family Columbarium for Interment of Cremated Remains of related family members shall be made in writing to the CAO. The following information must be provided by a family representative:
- Name of Cemetery within which the Family Columbarium will be installed,
  - Name and contact information of primary and alternate family representative(s),
  - Requested location of Family Columbarium,
  - Complete description of Family Columbarium structure including size, dimensions and number of Niches,
  - Name and contact information of Family Columbarium supplier and installer.
- 12.2 The CAO has authority to grant approval or apply conditions for the placement of a Family Columbarium, giving consideration for the appearance of the Cemetery, the scope and intent of this Bylaw and all applicable Municipal, Provincial and Federal legislation, regulations and policies.
- 12.3 A Family Columbarium shall be limited in size to a maximum of 24 niches. The Columbarium, including its base, shall not exceed 10 feet in width and shall be placed centered at the head of a maximum of 2 grave plots (totaling 10 feet in width). The structure must be installed on level ground of unoccupied Burial Plots or on occupied Burial Plots in which burial occurred at least 3 years prior to the Family Columbarium installation. Installation of the Family Columbarium on an occupied Burial Plot must not encroach on the minimum of ground cover required over a grave liner or casket as per *Alberta Regulation 249/1998*, as amended.
- 12.4 The Municipality shall retain care and control of all access keys for Family Columbarium installed within Cemeteries. All requests for Interment of Cremated Remains in a Family Columbarium must be submitted by the primary or alternative family representatives to the Municipality and shall be accompanied by a Burial Permit and payment of any applicable fee.
- 12.5 The Municipality shall not be responsible for any damages to a Family Columbarium during installation or thereafter.

### **13.0 MAINTENANCE OF BURIAL PLOTS AND CEMETERY GROUNDS**

- 13.1 The Municipality shall provide maintenance of occupied and unoccupied Burial Plots as follows:
- Mowing grass, and
  - Controlling weeds and unwanted vegetation.

The Municipality does not provide any further maintenance of occupied or unoccupied Burial Plots including, but not limited to: excavating, backfilling and grading of Burial Plots, seeding of grass on Burial Plots, the installation and maintenance of Monuments, or the installation and maintenance of other memorial structures that have not been installed by the Municipality.

- 13.2 To ensure the safety of the public and preserve the dignity of the Cemetery, the Municipality will provide maintenance to general Cemetery grounds including, but not limited to the following:

- Mowing grass,
- Controlling weeds and unwanted vegetation,
- Pruning of shrubs, trees and bushes,
- Rodent control,
- Maintenance of walkways, benches, fences, gates, and other structures installed by the Municipality,
- Maintenance of Public Columbaria and Continuous Monument Runners, and
- Maintenance of roadways and parking areas.

13.3 No person shall:

- a) Erect or install upon a Burial Plot any fence, railing, wall, border, hedge, coping or the like; or,
- b) Cover a previously backfilled Burial Plot in part or in entirety with gravel, stones, chippings, mulch, sand or any other material.

Where the same have been previously erected or installed upon a Burial Plot and for any reason whatsoever, have become a detriment to the aesthetics of a Cemetery, a health and safety hazard or an impediment to Municipal maintenance of a Burial Plot or a Cemetery, the Municipality may cause such to be removed and disposed of. The Municipality shall provide 30 days' notice of the intention to do so to the owner of the Burial Plot, to relatives if the owner is deceased, or by publishing in a newspaper circulated in the Municipality if the relatives are unknown.

13.4 Except as provided herein, no person shall plant shrubs, trees, bushes, flowers, weeds, or other vegetation on a Burial Plot. Shrubs, trees, bushes, flowers, weeds, or other vegetation planted or growing upon Burial Plots are subject to Municipal supervision and shall be removed and disposed of at the discretion of the Municipality without notice of removal or disposition.

13.5 Cut flowers, wreaths, floral offerings, artificial flowers, mementos, decorations, lights shall be placed in approved, non-breakable containers on a Monument, runner or Columbarium Niche. Any such items placed elsewhere on a Burial Plot or Columbarium Niche Burial be subject to Municipal supervision. If such items are detrimental to the aesthetics of a Cemetery, pose a health and safety hazard or impede Municipal maintenance of the Cemetery, they will be removed and disposed of by the Municipality without notice of removal or disposition.

13.6 Trees may be planted in designated areas, subject to the approval of the Chief Administrative Officer or designate. The Municipality will not provide any additional maintenance for such trees beyond that which is specified herein.

**14.0 GENERAL**

14.1 No person shall disturb the quiet and good order of a Cemetery or persons assembled for a funeral, gravesite service or visitation.

- 14.2 No person shall destroy, damage, alter, deface or remove any Monument or other structure or object in a Cemetery.
- 14.3 No person shall carry or discharge a firearm in a Cemetery unless such person is participating in a military funeral and has lawful authority to bear such firearm.
- 14.4 No person shall drive any vehicle through a Cemetery at a speed exceeding 15 km/hour and then may only drive a vehicle upon a roadway provided for that purpose. A vehicle towing a trailer must obtain authorization from the Chief Administrative Officer, or designate, prior to entry into a Cemetery.
- 14.5 No person shall ride a bicycle, snowmobile, all-terrain vehicle, motorcycle or horse in a Cemetery unless they are part of a funeral procession and have obtained authorization from the Chief Administrative Officer, or designate, for the same. This provision shall not apply to Municipal employees who are operating an all-terrain vehicle in a Cemetery for the performance of their work duties.
- 14.6 Except as provided herein, the owner of any vehicle or any individual causing or contributing to damage to a Burial Plot, Monument, Columbarium, structure, or any part of the lands or facilities of a Cemetery shall be responsible for all costs associated with repairing such damage.
- 14.7 No person shall throw, abandon or otherwise dispose of rubbish or refuse of any kind anywhere within a Cemetery except in the receptacles specifically provided for that purpose by the Municipality.
- 14.8 No animal shall be allowed in a Cemetery unless such animal is on a leash and under the control of an adult person.
- 14.9 Soliciting the sale of any commodity or advertising of any sort is prohibited in all Cemeteries, except as explicitly authorized by the Municipality.

## **15.0 COUNCIL REQUESTS**

- 15.1 Requests that do not comply with this Bylaw or which are not otherwise addressed by this Bylaw may be submitted to Council for their consideration on a case by case basis.

## **16.0 SEVERABILITY**

- 16.1 Each provision of this Bylaw is independent of all other provisions. If any such provision is declared invalid by a court of competent jurisdiction, all other provisions of this Bylaw will remain valid and enforceable.

## **17.0 REPEAL**

- 17.1 Bylaw No. 903 and Bylaw No. 952/CEM/2018 shall be repealed upon this Bylaw No. 992/CEM/2022. becoming effective.

**18.0 EFFECTIVE DATE**

18.1 This Bylaw shall take effect on the date of the third and final reading.

Read a first time this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Philip Kolodychuk, Reeve

\_\_\_\_\_  
Robert Jorgensen, CAO

Read a second time this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Philip Kolodychuk, Reeve

\_\_\_\_\_  
Robert Jorgensen, CAO

Read a third time and passed this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Philip Kolodychuk, Reeve

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Robert Jorgensen, CAO