



TOWN OF COCHRANE BYLAW 33/2016

Being A Bylaw Of The Town Of Cochrane In The Province Of Alberta, Canada To Provide For The Control And Regulation Of Cemeteries, Operated In Accordance With All Provincial Legislation And Regulations Under The Control Of The Town.

WHEREAS the Municipal Government Act, Statutes of Alberta, 2000, Chapter M-26 and amendments thereto, provides that a Municipal Council may pass a Bylaw for the purposes respecting safety, health and welfare of people and protection of people and property for services provided by or on behalf of the municipality;

AND WHEREAS the Council deems it desirable to provide for the control and regulation of Cemeteries operated by and under the control of the Town in accordance with the Cemeteries Act and all other applicable legislation;

AND WHEREAS the Council deems it desirable to define the rights, interests and privileges for the lot owner and to establish guidelines upon which the Cemeteries will be operated;

NOW THEREFORE the Municipal Council of the Town of Cochrane, in the Province of Alberta, duly assembled, enacts as follows:

1. TITLE

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

2. APPLICATION

This Bylaw applies to any land defined as a "Cemetery" as set out within this Bylaw, and more specifically includes:

- a. St. Andrew's Cemetery
427 Centre Avenue, Cochrane, Alberta.
Described as SE 1/4, Section 10, Twp. 26, Range 4, W5M. 3 acres / 1.2 hectares.
- b. St. Mary's Cemetery
423 Centre Avenue, Cochrane, Alberta.
Described as SE 1/4, Section 10, Twp. 26, Range 4, W5M. 1 acre / 0.4 hectares.
- c. Cochrane Cemetery
408 Centre Avenue, Cochrane, Alberta.
Described as Block 1, Plan 8510358. 10 acres / 4.0 hectares.

3. DEFINITIONS

In this Bylaw, unless the context otherwise requires, the following terms shall have the meanings indicated:

"Base" means that portion of the Marker or Monument, constructed of granite, and set on a flush or Ribbon Foundation to support the Monument.

"Burial" means the Interment of human remains in an earth Lot or the Interment of human Cremated Remains in an earth Lot, Niche or Ossuary. The act of burying a deceased person; Interment or Inurnment.

"Burial Permit" means a permit issued by the Funeral Home under the Government of Alberta Vital Statistics Act or a document of disposition from another Province or Country.

"Care and Maintenance" means the long-term care and maintenance of cemeteries looked after by a fund that is established pursuant to the Province of Alberta Cemeteries Act for the purpose of providing for the long term or Perpetual Care and maintenance of the cemeteries.

"Cemetery" means any Cemeteries owned and operated by the Town of Cochrane. Land for the Burial of human bodies or cremated human remains. Cemetery shall mean all the cemeteries and columbaria now or hereafter developed, acquired or erected by The Town of Cochrane.

"Cemetery Administration" means the Administration of the Cemetery or Cemeteries, headed by the Cochrane Town Council and the Manager of Parks and Open Spaces of the Town, and their designates.

"Cemetery Records" means the permanent records of all sales, location descriptions and the names of any persons buried and the dates associated with these records or transactions.

"Cemetery Services" means the supplying of any service to be rendered at a Cemetery in respect to any Lot or Niche. Services could include some but not necessarily all of: Burial rights, Perpetual Care, opening and closing of graves, supply of greens and lowering devices, storage and installation of Vaults or Liners, sale of Monuments, Markers, Urns and vases; permits to erect a Monument or install a Marker.

"Columbarium" means an above ground structure or building in a Cemetery designed for the Inurnment of cremated human remains in sealed Niches.

"Council" means the Municipal Council of the Town of Cochrane.

"Cremated Remains" means the remnants of the human body that remain following the cremation process.

"Disinterment" means the removal of human remains or cremated human remains from a grave Lot or Niche.

“Double Cremated Remains Lot” means a designated, smaller sized Lot which will accommodate two Cremated Remains Inurnments at the same or different times.

“Double Depth Lot” means a grave Lot designated and constructed to a depth which will accommodate two bodies in separate caskets, each encased in a separate grave Liner or Vault. Burial can be at the same or different times in such a manner that one casket is placed above the other. The Lot is purchased for this purpose on the opening of the first casket Burial Lot at the lower depth.

“Easement” means that at the time of purchase of a Lot, Space or Columbarium Niche he/she is purchasing Interment rights, or the right to use a Lot, Space or Niche. The ownership of all Cemetery property remains with the Town of Cochrane.

“Field Crew” means the staff members of Town of Cochrane Parks and Open Spaces appointed by the Cemetery Administration to carry out the duties in the cemeteries necessary for maintenance, Burial, memorialization, and safety and all ongoing and project work necessary to the running of the cemeteries.

“Green Burial” means a designated section of the Cemetery where the following criteria are met: embalming is not used; a simple wood casket with no metal components or a Shroud is used to contain the body; where native plants are grown on or near the Lot.

“Holiday” means all general and statutory holidays proclaimed by the Town of Cochrane, the Province of Alberta or the Government of Canada.

“Interment” means the Burial of human remains in a casket or Urn in an in-ground Lot.

“Inurnment” means the placement of an Urn containing Cremated Remains in a Niche in an above ground facility.

“Legal Representative” means a person or persons directed in a deceased person’s will or by the courts to carry out the requests of the deceased persons.

“Licensee” means a person(s) who purchases a Lot(s) in the Cemetery.

“Liner or Vault” means a box placed in the ground to totally enclose a casket in a grave in a Cemetery. The container is designed and built to withstand the weight of the earth and standard Cemetery maintenance equipment. Type, material and size shall be pre-approved by the Cemetery Administration.

“Lot or Space” all mean a specific area designed for Burial of casket or Cremated Remains, sold as Easement and includes Columbarium Niches. All spaces to be laid out with an individual legal description. Generally quoted from largest to smallest description e.g.: section (area of multiple Lots); block (area of 2 or more Lots); Lot (singular Burial or Interment space).

“Manager of Parks and Open Spaces” means the person, duly appointed by the Town as Manager of Parks and Open spaces, or designate, who is responsible for, amongst other things, the operation of all Cemetery property, including associated Cemetery Records and personnel.

“Marker or Monument” means a structure of approved bronze or granite for memorial purposes placed on any grave, either upright or ground level as stipulated by the Cemetery Administration, or an etched Niche cover, indicating the place of Burial and the person buried in that site, of a size, and type as approved by the Cemetery Administration.

“Niche” means a single compartment of a facility designed and constructed for the safe, above ground, Inurnment of Cremated Remains.

“Ossuary” means an enclosed container used or intended to be used for co-mingled, non-recoverable Cremated Remains.

“Permit” means a prescribed form supplied by the Town for application to carry out any work in the Cemetery.

“Perpetual Care” means the ongoing maintenance of cemeteries by the Town of Cochrane. The Town of Cochrane will so far as these funds are available, do all that is necessary to keep the Lot or Columbarium Niche safe and in a neat and tidy condition. It does not include care, maintenance, or replacement of any Monument or Marker placed on the Lot.

“Resident” means a person who presently has a primary residence in the municipal boundaries of the Town of Cochrane or a person who resided in the Town for the majority of the previous 10 consecutive years preceding his or her death.

“Ribbon Foundation” means a continuous strip of concrete used for the placement of Monuments.

“Shroud” means a natural fibre cloth used to cover and protect human remains used in designated Green Burials.

“Urn” means a container used for storing of cremated human remains.

“Veteran” means a former member of Her Majesty’s Armed Forces as determined by the Department of Veterans Affairs Canada.

“Veteran – Protective Services” means a former member of a recognized Police or Fire Service.

4. ADMINISTRATION OF THE CEMETERIES

- a. Application: This Bylaw shall apply to any Columbarium or Burial area in any Cemetery, now in existence or which may hereafter be erected or developed by the Town of Cochrane, as or in a Cemetery. The Manager of Parks and Open Spaces, is the sole judge of any question of interpretation or application of the Bylaws. The interpretation or application shall be final and conclusive.
- b. Non-Limitation: In all matters not specifically covered by these Bylaws, the Cemetery Administration reserves the right to do that which in its judgement is deemed reasonable in the Cemetery, and such determination shall be binding upon Lot owners and all parties concerned.

- c. Special Cases: Circumstances may arise in which the literal enforcement of a rule or regulation, based on these Bylaws, may impose unnecessary hardship. The Cemetery Administration therefore reserves the right to make exception, suspension or modification to any Rule or Regulation without notice. Any exception, suspension or modification to any item by the Administration, when necessary, shall in no way be construed as effecting the general application of such Rules or Regulations.
- d. Error Correction: The Cemetery Administration reserves and shall have the right to correct any errors that may be made either in making an Interment, or Disinterment or in the description or sale or transfer of any Interment property. The correction can be obtained by cancelling or substituting another property of equal value and similar location as far as possible, or by refunding the amount paid on account of that property. If the error involves the Interment of the remains of any person the Cemetery Administration reserves, and shall have the right to remove and reinter the remains into a property of equal value and similar location, with the consent of the Licensee, subject to all applicable legislation and regulations.
- e. Disclaimer: The statement of any employee of the Cemetery shall not be binding upon the Cemetery Administration except if such statement coincides with the document conveying the right of Interment, Bylaws, the rules and regulations reflecting the Bylaws.
- f. Admission: The general public is welcome to visit during regular hours of operation of the Cemetery. Administration reserves the right to refuse admission or the use of any Cemetery facilities at any time to any person or persons whom the Cemetery Administration may deem objectionable to the best interests of the Cemetery.
- g. Tariff: The Town of Cochrane shall make available to the general public during office hours a tariff of rates for Lots, opening and closing, Disinterment and reinterment, weekend and holiday Burial charges and a discount for the purchase of Burial Lots for Town of Cochrane Residents.

5. ENFORCEMENT

- a. Application: The Cemetery Administration, in addition to other Municipal and Provincial enforcement authorities, is hereby empowered to enforce all Bylaws laid out in this Document and any Rules and Regulations based on these Bylaws. The Cemetery Administration shall have charge of the grounds, buildings and equipment at all times and shall have supervision and control of all persons and activities in the Cemetery, including the conduct of funerals and other services, traffic concerns, employees, Lot owners and visitors.
- b. Rule Information: The Cemetery Administration may make Rules and Regulations not inconsistent with the Bylaws for the efficient management and control of the Cemeteries. All Bylaws, Rules and Regulations, will be made available on request to the Cemetery Administration.
- c. General Penalty Provisions: Any person that violates any provision of this Bylaw is guilty of an offence and is liable upon conviction to a maximum fine of Ten Thousand Dollars (\$10,000.00) or in default of payment of the fine to imprisonment for a period not exceeding one (1) year, or to both fine and imprisonment in such amounts.

- d. Minimum and Specified Penalties: The specified penalty for a violation of any provision of this Bylaw is a fine in the amount of Five Hundred Dollars (\$500.00), and the minimum fine allowable for any such violation is Three Hundred Dollars (\$300.00).
- e. Violation Tickets: Where a Peace Officer believes that a person has contravened any provision of this Bylaw, he may commence proceedings by issuing a summons by means of a violation ticket in accordance with Part 2 of the Provincial Offences Procedure Act, R.S.A. 2000, c P-34.
- f. Notice Given: Notwithstanding Subsection (e) Violation Tickets, a Peace Officer may issue, by personal service or regular mail, a Bylaw Ticket, in a form as approved by the Town, to any person alleged to have contravened any provision of this Bylaw.
- g. Bylaw Contraventions: A person who has been issued a Bylaw Ticket in respect of a contravention of a provision of this Bylaw, and who has fully paid to the Town the penalty as indicated within the time allowed for payment, shall not be liable to prosecution for the subject contravention.

6. LIABILITY

- a. Markers and Monuments: While the Cemetery Administration will take reasonable precautions to protect the property of owners, the Town of Cochrane, and its representatives, will not assume any liability nor responsibility for the loss of or damage to any Monument or Marker or part thereof; or any article of any type that may be placed on the Lot. The Town of Cochrane, and its representatives accept no responsibility for the maintenance of Monuments due to normal wear or deterioration. Minor scraping of the Base of an upright Monument due to lawn mowing and snow removal is considered normal wear.
- b. Injury: Persons entering the Cemetery do so at their own risk. The Cemetery Administration shall not be responsible for any injury resulting to any person who enters the cemetery.
- c. Flowers and Decorations: The Cemetery Administration assumes no liability for flowers or decorations placed at Burial sites.
- d. Vandalism: The Cemetery Administration does not accept responsibility for damage incurred through vandalism or other acts outside its control.

7. SALE AND OWNERSHIP OF LOTS

- a. Responsibilities: All Licensees shall be responsible for the cost of the space and for all charges in connection there with. The purchaser of space accepts this responsibility and is responsible to comply with all Bylaws, Rules and Regulations governing the ownership of the space, Interment into the space and the erection of Monument(s) applicable to that space.
- b. Pre-purchase: A Lot may be pre-purchased in the Cochrane Cemetery. Choice of location of the Lot is not permitted. The next available Lot will be used at the time of need. Pre-purchase of Lot(s) includes the Lot, Perpetual Care but does not include the

opening/closing fees which may only be paid at the time of need. There are no ground Lots for sale in St Andrew's or St. Mary's Cemeteries.

- c. Address Change: It is the duty of the Licensee to notify the Cemetery Administration of any change in his/her mailing address. Notice sent to the owner at the last known address on file shall be considered sufficient and proper legal notification.
- d. Cost: Lots for Burial purposes shall be sold and services in any Cemetery shall be rendered in accordance with the fees set forth in the Schedule of Town of Cochrane Service Fees. Lot costs always include Easement and care components.
- e. Easement: Ownership of any space remains with the Town. The right to use a Lot is sold to a Licensee. A Licensee has no right to the use of any Lot until the purchase price is paid in full. All fees for the Lot must be paid in full prior to the arrangement of Interment into the Lot.
- f. Documentation: Upon payment by any person of the full price of any Lot, the purchaser will be given a receipt for the sum paid, and this receipt with the purchase Invoice will entitle the Licensee to the right of Easement in an assigned space.
- g. Subdivide: No person shall further subdivide or alter any Lot in any manner at variance with the divisions set out by the Cemetery Administration as shown on the Cemetery plans.
- h. Cancellation: The purchaser may cancel a purchase without penalty within 30 days of the agreement being signed, on any item(s) that have not been used for Burial or memorialization. After the 30 days, cancellation of unused space or services can be arranged with the Cemetery Administration by the Purchaser or designated person, subject to any applicable administration fee.
- i. Refunds: The Cemetery Administration will accept the return of an unused Lot, or Niche as long as there is no reason that space could not be used and there is proof of ownership. The purchaser will receive the original price paid or 85% of the current cost of an equivalent space, whichever is greater. Where taxes were applicable to the original purchase price they will be refunded based on the portion of the purchase price refunded. Refunds shall be subject to any applicable administration fee at the time of cancellation.
- j. Lot sizes: The minimum size for a grave Lot is five feet in width and 10 feet in length (5'x10'). The minimum size for a cremation Lot is two feet in width and four feet in length (2'x4').
- k. Error Correction: It is a condition of sale and use of any Lot in any Cemetery, that the owner expressly waives any claim arising by reason of any error or miss-description of any Burial Lot. The Cemetery Administration undertakes that it will attempt, insofar as is reasonably possible, to avoid such errors but its liability shall only extend to refund in case of error of any money paid to the Cemetery Administration, for a Lot or Lots.
- l. Replacement: If there is any reason the Lot cannot be used for Burial or there is any error in the Lot description, the Cemetery Administration undertakes to make an equivalent quality of Lot or Lots available in lieu of those originally allocated.

- m. Resale: No person shall sell a Cemetery Lot to any other person. Lots can be sold back only to the Town of Cochrane in accordance with the Cemetery Bylaw. The amount of refund and administration/cancellation fees are set out in the Schedule of Town of Cochrane Service Fees.
- n. Reclamation: Any space may be deemed abandoned if there has been no Interment in the Lot, and there has been no recorded activity pertaining to the Lot for a period of 20 years. Any Lot designated as abandoned may be reclaimed by the Cemetery Administration to be disposed of in any manner the Cemetery Administration deems appropriate. Abandoned spaces in St. Mary's and St. Andrew's Cemeteries will not be reclaimed and resold as these Cemeteries are considered closed to Lot sales for in ground Burial.
- o. Replot: The Cemetery Administration has the right, from time to time, to change layout, establish, close, eliminate or modify or change the location of roads, walks or drives; to resurvey, enlarge, alter or change any portion of the Cemetery as necessary to be used as Burial areas or for the erection of buildings or services.
- p. Ownership Priority: The Cemetery Administration shall recognize Easement ownership to permit Burials into existing occupied Lots as noted at the time of the Lot purchase. If no ownership was passed on at that time, the Cemetery Administration will use the order of priority as set out in the Provincial Order of Disposition.
- q. Inheritance: Where a Cemetery Lot, or Niche is inherited, the new owner must provide proof of ownership to the satisfaction of the Cemetery Administration. The Provincial Order of Disposition, will be followed to determine the ownership or rights to spaces after death of the owner.

8. BURIAL/ INTERMENT/ DISINTERMENT

- a. Authorization: The person responsible for organizing Cemetery Services shall make the necessary Burial arrangements, complete and sign the "Request for Grave/Lot Interment Application" form provided by the Town and determine terms of payment for agreed upon goods and services. No Interment will be scheduled until properly accepted and approved by the Cemetery Administration. If there is no person to sign the application, the form will be sent to a representative of the agency requesting the Interment.
- b. Space User: The Licensee designates the user(s) of the space. Permission to use the space and place a memorial must be obtained in writing and signed by the Licensee, if the person making Interment arrangements is not the Licensee on record.
- c. Responsibilities: Any person signing an order for Interment is responsible for the truthfulness of any facts set forth in the authorization, the identity of the person to be interred and his/her authority to order the Interment. The authorizing signing party will be responsible for all charges personally or for the estate, in connection with such Interment. If a third party is signing for Interment on behalf of another, the other person must have delegated that person to act in their name and accept responsibility for all Burial charges.

- d. Burial Information: No Burials shall be permitted in the Cemeteries until the information required by the Cemetery Bylaw has been provided to the Cemetery Administration. Information required is as follows:
 - a. Full legal name of the deceased; Date of birth, death and age.
 - b. Cemetery location of Lot to be used; Day, date and time of interment.
 - c. Proof of ownership or authorization for use of an interment site, where the deceased person is not the owner; Name and address of person(s) listed as next of kin; Name and address of the owner(s).
 - d. Name and address of person or agency responsible for payment of the interment fees.
 - e. Type of Liner or Vault if ground burial.
 - f. For Veterans in a Field of Honour, the regimental and service number, or identification of deceased as a Veteran of Protective Services.
- e. Documentation: No Interment will be permitted unless proper authorization is produced by the party applying for the Burial. A Burial Permit issued by the proper officer of the Government of the Province of Alberta and a complete, signed Cemetery Invoice for permission to inter a body must be completed and presented to Cemetery Administration before Interment is completed. For a Burial coming from another Province or Country an acceptable alternative is an official document of disposition.
- f. Ownership Proof: Cemetery Administration may request proof of purchase to identify the Lot and/or prove the right to use the Lot. Proof may be a deed, Invoice, or receipt that shows the purchase or payment of a Burial. The Licensee of the Burial right or his/her representative may authorize the use of the Lot/Niche for the Interment of any person by submitting written, signed authorization/permission to the Funeral Home or Cemetery Administration.
- g. Burial Restriction: Lots in the Cemetery shall be used only for the Burial of human bodies and human Cremated Remains. All Burials, casket or Cremated Remains, must be arranged with the Funeral Home or Cemetery Administration and be recorded by the Cemetery Administration. Cremated Remains may be buried in Cemetery ground but may not be scattered in any area or on any grave other than an area set aside by the Cemetery Administration as a scattering garden for Cremated Remains or an Ossuary for Cremated Remains Burial.
- h. Notice: All applications for ground Burial shall be made at least 48 hours (2 business days) before the time of the Interment from May 1 through October 31 and 72 hours (three business days) from November 1 through April 30. Seasonal weather or type of Burial may require longer notice. Confirmation of the Burial date, time and Cemetery, will be given in writing by the Cemetery Administration to the arranger or Funeral Home.
- i. Information: Cemetery Administration is not responsible for any errors or omissions in information received from the Funeral Home or arranger or supplier. The Cemetery Administration is not responsible for the accuracy of the Burial Permit information or for the identity of the human remains or Cremated Remains to be interred.
- j. Schedule Times: Burial Services will be conducted Monday to Friday between the hours of 8:30 am and 3:30 pm. In cases of extreme necessity such as the danger of contamination or infection, or in the case of an epidemic, the Cemeteries will permit

the Interment to be made on Weekends or Statutory Holidays as required by order of the Provincial Board of Health.

- k. Overtime: When it is necessary for Field Crew to remain after their usual working hours or come in on a Weekend or Statutory Holiday an overtime charge will be made as set out by the Cemetery Administration.
- l. Scheduling: Cemetery Administration reserves the right to limit the number of Burials within a working day, the time of the Burial in a Cemetery or facility and the right to assess fees accordingly.
- m. Rescheduling: If, under extreme or adverse weather conditions more time is required to prepare Burial sites the Cemetery Administration shall notify the parties involved of the extra time required and this time will remain in effect until further notice.
- n. Burial Receptacle: All casket Burials in the Cemetery require the use of an approved Vault or Liner. The base of the Liner/Vault will be set at a six-foot depth to allow for at least three feet of soil above the top of the lid of the Liner/Vault., The first opening of a Double Depth Lot must be to a depth that will allow the second later Liner/Vault to be installed to have the same required three feet of soil above the top of the last Liner/ Vault.
- o. Suitable Container: All remains and Cremated Remains shall be brought to the Cemetery in a suitable container. Suitable container is defined as one which is rigid, completely enclosing the remains and prevents any physical or visual contact with secretions, or viewing of the deceased by any person. If a Shroud is to be used as a covering of the body in place of a casket such arrangements and permission will be established at the time the Burial arrangements are made and confirmed by the Cemetery Administration.
- p. Further Usage: No memorialization or second Interment shall be permitted in or on any Lot in the Cemeteries on which there are unpaid charges due and payable.
- q. Funeral Services: All funerals while within any Cemetery shall be carried out by persons under the supervision and control of the Cemetery Field Crew. Funeral Directors are responsible for the supply and operation of the lowering devices, the supply and placement of Burial greens, and any set-up of wreaths and flowers around the Lot. Funeral Directors must remain for the duration of the service and provide notice to the Cemetery staff that the service has ended. Funeral corteges shall follow the route set out by the Cemetery Administration, and the Cemetery Administration has the authority to restrict the number, and kind of vehicles that may enter the Cemetery and the roadways that may be used.
- r. Casket Opening: The casket may not be opened at any time within the Cemetery or its buildings without the express written permission and in the presence of the Cemetery Administration. Such permission will not be given without the consent of the Legal Representative of the deceased or without an order from the duly constituted authority having jurisdiction.
- s. Veteran Field of Honour: Areas set aside in the Cemeteries known as the "Field of Honour" and reserved for Burial of service and ex-service men and women of the Armed Forces shall be subject to special provisions as set forth in Provincial Cemetery

Regulations. An area of the Field of Honour is dedicated to the Burial of Veterans of Protective Services. Upon application and confirmation of eligibility, a member of a recognized policing agency or fire service shall be buried in their respective areas in the Protective Services Veteran's Field of Honour section of the Cemetery.

- t. Veteran Restrictions: Only in circumstances where a grave in the Field of Honour section has been used for Burial of a Veteran, either traditional casket Burial or cremation Burial, will it be permitted to inter the Cremated Remains of the spouse. Field of Honour Lots cannot be reserved or pre-purchased and are assigned at the time of Burial.
- u. Indigent Burial: The Cemetery Administration shall furnish graves in the cemeteries for unclaimed bodies of deceased persons and for the bodies of indigent poor of any religious denomination. Burial type and rates will be subject to special provisions as set forth in the Provincial Cemetery Regulations.
- v. Disinterment Permission: The Disinterment of human remains shall be permitted with the consent of the Cemetery Administration and written consent of the Lot owner, nearest next of kin, executor and in accordance with proper legal procedure. The Disinterment will only be approved and scheduled upon issuance of a Disinterment permit from the Department of Vital Statistics. Disinterment of caskets in the lower level of a Double Depth Lot will be charged double the regular Disinterment fees as well as the cost of supplying grave shoring.
- w. Disinterment Requirements: The procedure to be followed in the Disinterment and reinterment, if arranged, of any body, within the cemeteries shall be that set out in the Cemetery procedures. Responsibility for a Disinterment by the Cemetery Administration will end at the point where the soil is sufficiently excavated to permit access to the top of the casket/Liner or Urn. A Funeral Home representative is to be present during the Disinterment for the handling and transportation of the remains. All Disinterments are subject to the provisions of the Cemetery Act and any other applicable legislation. The Cemetery Administration is not responsible for the condition of casket Liners or Vaults, or of the Cremated Remains or the Cremated Remains container used.
- x. Disinterment Responsibility: Cremated Remains will be disinterred from the Columbarium or Burial Lot, by application to the Cemetery Administration by the Licensee, nearest next of kin, or executor. Disinterments are subject to the payment of the applicable fees as approved by Council from time to time. Removal by the heirs of a body or Cremated Remains so the grave may be sold for profit or removal contrary to the expressed or implied wish of the original Licensee is absolutely forbidden.

9. LOT BURIAL OPTIONS

- a. Casket Burial Number: A maximum of two caskets shall be buried in a single grave except in sections of the Cemetery set aside for single Burials only.
- b. Double Depth Lot: All double depth graves shall be limited to a single ownership.
- c. Double Cremated Remains Lot: A maximum of two cremated human remains can be buried in a designated cremation Lot.

- d. Total Burial Number: In a full sized Double Depth Lot – the maximum number of Burials is two caskets and up to six Cremated Remains; in a single casket Lot – the maximum number of Burials is one casket and up to six Cremated Remains; if there is no casket Burial in a casket Lot there can be up to six Cremated Remains Burials. A casket Burial will not be allowed in any Lot after a cremation Urn is interred in the same Lot.
- e. Existing Occupied Lots: Requests to inter Cremated Remains into an occupied family Lot, by other than the Licensee of the Lot, must be accompanied by written permission of the deceased's executor or all the like members, next of kin, of the original deceased's family. No additional Cremated Remains will be permitted after a single casket Burial is already in place in St. Mary's and St. Andrew's Cemeteries.
- f. Unauthorized Additional Burial: If further Cremated Remains are found to be scattered or buried on an existing grave without the permission of the Cemetery Administration, the Licensee of the space will be notified and charged the costs to allow proper Burial and registry of the additional Burial in that space. The Burial must fall within the rules and regulations set out that address the number of Burials allowed in specific Lots.
- g. Veteran Restriction: In the Field of Honour, the Veteran or Protective Services Veteran must be already buried, if permission is to be given to inter the Cremated Remains of a spouse in the same space. In the Field of Honour only approved Veteran Monuments shall be placed or constructed for the Veteran for the sake of continuity in the area. If a spouse who is also a Veteran is the second Burial a second DVA Monument can be placed on the site. If a non-Veteran spouse is also buried, the memorial name and date may be engraved on the headstone or a brass plate may be attached.

10. MARKERS AND MONUMENTS

- a. Authorization: No memorials may be set except in accordance with the Cemetery Bylaws and regulations. Improperly or unapproved memorials will be removed without further notice.
- b. Regulations: The permitted size of Markers, Monuments and vases shall be set forth in the Cemetery Monument Regulations. The Cemetery Administration reserves the right at all times to approve and prescribe the kind, size, design, symbolism, craftsmanship, quality, number and material of memorials placed or to be placed in any Cemetery. These regulations are set out in separate guidelines and made available to all Monument dealers.
- c. Material Specifications: All Markers or Monuments will be of granite or Monument grade bronze casting. Any Monument or Marker of artificial stone is not permitted unless the Cemetery Administration is satisfied that the manufacturer and dealers can conform to the specifications and requirements of the Cemeteries.
- d. Permits: The Permit from the Monument Dealer must indicate the size, type and kind of Monument and a rendering of the proposed inscription/design on the Permit application. Approval of Monuments, size, type, design, inscription and artwork will be

given in writing on the return of the approved Permit to the Monument Dealer before manufacture, delivery or installation of the Monument will be authorized.

- e. Approval: No person shall erect a Monument or Marker in a Cemetery until the design, description and size thereof has been approved by the Cemetery Administration and a Permit for the erection of such Monument has been issued to the Monument Dealer. The Cemetery Administration may refuse consent if such Monument, or Marker, is in the opinion of the Cemetery Administration, prejudicial to the general appearance of the Cemeteries or to the interests of the owners of other Lots, is not in good taste or does not fit the expectations of a religious cemetery area.
- f. Lot Costs: Memorial dealers must have an approved Permit/installation form from the Cemetery Administration allowing the installation, repair or refurbishment of a memorial. No Permit will be approved until all costs against the space are cleared by the owner of the space or their designated agent. Markers may be removed if not paid for, or if the Marker is incorrect or broken/damaged.
- g. Section Guidelines: The Cemetery Administration may designate special sections within the cemeteries and impose restrictions on the types of memorials and Markers that may be installed within. Such sections will be sold, designated, as spaces for flat Markers or upright Monuments.
- h. Notice of Delivery: Notice of delivery of Monuments and Markers must be given to the Cemetery Administration to allow for inspection and approval.
- i. Contractors: Any damage done to walks, Lots, roads, landscaping by contractors or their agents shall be repaired by the Cemetery Administration and the cost of such repair shall be charged to the dealer or contractor. The Cemetery Administration reserves the right to stop all work of any nature, if in its judgement is unsafe or violates any rule or regulation of the Cemetery.
- j. Installation: Monuments and Markers will only be permitted to be installed from April 30 to October 1 of each calendar year.
- k. Grave Covers, Curbing: There will be no plants or ground cover, nor covering with a slab of cement or other material, nor loose materials such as rock, mulch, or brick. Lots are not to have borders, fences, railings, curbs, or any enclosure in or around their perimeter. Any existing cover, of any material that is deemed failing or unsafe by Cemetery Administration will be removed and not permitted to be replaced. After notification, whenever possible, of the Licensee that the cover is a safety concern, the cover will be removed; the Lot will be leveled to match the Lots around it and then seeded. Removal, leveling and seeding will be done at the Cemetery Administration's expense.
- l. Grave Identification: No temporary sign or identification, no marking of any description shall be permitted on any Lot in the Cemetery. The identification sign placed by the Funeral Home on the grave is the only approved temporary sign allowed. It will be removed one month after the Burial date.
- m. Removal, Alteration, Additions: No owner shall install or remove a memorial or make any alteration to any Monument or structure in a Cemetery without the permission of the Cemetery Administration. No fixture of any type, such as pictures or ornaments,

may be attached or affixed in any manner whatsoever to any part of an upright memorial, without prior approval by the Cemetery Administration.

- n. Repair: No Licensee will allow any Marker or Monument to be in a state of disrepair. When in the opinion of the Cemetery Administration, any Monument or other erection upon a Lot is in a state of disrepair, or where there is a safety concern, the Cemetery Administration will notify the Licensee in writing and require that repairs be promptly undertaken by a qualified, approved Monument installer.
- o. Removal: Any Monument or erection not repaired within thirty days after a letter has been sent to the Licensee or his agent to the last address provided to the Cemetery Administration may be removed from the Lot and retained in the custody of the Cemetery Administration until the person responsible for its maintenance has returned it to a suitable condition. If the Memorial or Marker is not picked up within 30 days of removal the Cemetery Administration shall dispose of the article. The Cemetery Administration is not responsible for any cost(s) incurred by any Licensee or otherwise, as a result of the Cemetery Administration disposing of the Marker, Monument or any other article.
- p. Safety: Any Monument that is tilting or leaning is a safety concern. The Cemetery Administration will attempt to contact the Licensee and relevel the Monument. If any damage is done to the Monument by the attempt to relevel, the Cemetery Administration shall not be deemed responsible. If there is any Monument that Cemetery Field Crew cannot level and is deemed unsafe, the Licensee will be notified to arrange to fix the Monument stance. If the Licensee is inaccessible, or does not take timely action, the Monument may be removed by the Cemetery Administration due to the safety concern. The Cemetery Administration is not responsible for any cost(s) incurred by any Licensee or otherwise, as a result of the Cemetery Administration disposing of the Marker, Monument or any other article.
- q. Work Times: No person shall erect a Monument on Weekends or Statutory Holidays, or after 4 pm weekdays. No work will be done upon any Monument or Marker or shall any Monument or Marker be removed from any grave Lot without the notification and permission of the Cemetery Administration.
- r. Licensee Responsibility: Markers and Monuments remain the personal property of the Licensee and all care, maintenance and repairs are the responsibility of the recorded Licensee and/or the Licensee's next of kin. The purchaser or designate of the Burial Lot is liable and responsible for damages resulting from theft, vandalism or damage howsoever caused to Monument and Marker on a site.

11. CEMETERY OPERATION AND MAINTENANCE

- a. General Maintenance: On payment of the full price of any Lot, the Cemetery Administration will, so far as resources are available for the purpose, do all that they deem to be reasonably necessary to keep the Lot in a neat and tidy condition. The Cemetery Administration shall not, however, be bound to spend on such Lot in any one year an amount greater than the annual amount deemed appropriate by the Town of Cochrane.
- b. Authority: The Manager of Parks and Open Spaces or his/her designate shall have the sole control of all matters within the cemeteries that are concerned with maintaining

the grounds in a neat and pleasing condition, and to that end is authorized to regulate and control the Cemetery grounds in accordance with this Bylaw and the associated Cemetery rules and regulations.

- c. Floral Arrangements: The Cemetery will not accept responsibility for lost or damaged floral arrangements, memorabilia or wreaths/crosses under any circumstances.
- d. Floral Timelines: Flowers placed at the time of Interment will be left for five calendar days or as weather permits. Seasonal crosses or wreaths are permitted on a grave between November 1 and March 31 only.
- e. Landscaping: The Cemetery Administration reserves the right to remove or prune any trees or shrubbery previously planted which may mar the appearance of the Cemetery or which may encroach upon or interfere with other Lots, or any tree or plant that may previously have been planted without Cemetery Administration permission.
- f. Personal Responsibilities: No person shall:
 - a. Throw rubbish upon the roads, pathways or anywhere within the Cemetery grounds except in the receptacles provided for that purpose.
 - b. Deposit any soil, paper, sticks or rubbish of any kind on any road or Lot within the Cemetery.
 - c. Erect, plant or maintain borders, fences, railings, copings, wall curbs or hedges in or around any Lot.
 - d. Plant any trees or shrubs in any Cemetery unless he/she is a member of the Cemetery Field Crew authorized to do so by Cemetery Administration.
 - e. Plant flowers, care or cultivate any Lot.
 - f. Remove, prune, destroy or otherwise interfere with any trees, shrubs, plants or flowers in any Cemetery without the consent of the Cemetery Administration.
 - g. Place or deposit any glass or plastic encased wreath or any stand, holder vase, receptacle, jar or bottle, or pot made of glass or plastic on any Lot.
 - h. Place in any Cemetery any stand, holder vase or other receptacle for flowers or plants, or any flower pots, jars, bottles, iron and wire works, or any ornament or construction of any kind which the Cemetery Administration deems to be unsightly, unsuitable or unsafe within the Cemetery.
 - i. Place or maintain winter crosses, wreathes or upright decorations on Lots except for within prescribed permitted times. Make any walk, cut any sod, or move any grave Markers or Monuments in any Cemetery.
 - j. Destroy, deface, damage or write upon any Marker or Monument or structure or object in any Cemetery.
 - k. Bring any pets to the Cemetery. No Urns or memorialization of pets is allowed to be placed on the Lot or on any part of the Marker or Marker Base or Ribbon Foundation. Any Urn or memorialization will be removed by Cemetery Field Crew with no further notification.
 - l. Walk upon or across Lots. Use of roads and pathways is mandatory for safety reasons.
- g. Authorization of Work: The Cemetery Administration reserves, and shall have, the right to give authorization to any person before they may do any work in the Cemetery. The Cemetery Administration has the right to request a certificate of insurance, showing coverage for liability and personal injury and damage to the property of others, from any contractor or business authorized to perform services and/or work in the Cemetery.

- h. Times of Work: No person shall carry on any work in the immediate vicinity of any Burial service being carried out in a Cemetery. Work done in the Cemetery by persons operating as a business must be done during Cemetery hours. Work on Weekends or Statutory Holidays or after 4:00 pm on weekdays must have prior authorization from the Cemetery Administration.
- i. Access: No person under the age of 16 years shall be admitted to any Cemetery, or Columbarium unless in the company of an adult.
- j. Vehicle: No person shall operate a vehicle on a road in a Cemetery at a greater rate of speed than 20 kilometres per hour, or on any portion of a Cemetery not set aside as a road. Parking or leaving any vehicle on any road, driveway or parking area within the Cemetery that causes an obstruction, preventing any other vehicle from passing or Cemetery Administration to do their work will cause the vehicles removal by the Cemetery Administration, at the vehicle owner's expense.
- k. Activities: The intended uses of Cemetery grounds and facilities are memorialization, remembrance and reflection. Recreational uses are not permitted; including but are not limited, to skateboarding, bicycling, roller skating, snowmobiling, cross country skiing or snowshoeing.
- l. Behaviour: No person shall disturb the quiet and good order of a Cemetery by noise or other improper conduct. All work in the immediate vicinity of a Lot shall be discontinued during a Burial service.
- m. Fire Arms: Only persons authorized by the Cemetery Administration, including military guard of Honour will be permitted to bring into or carry firearms within the Cemetery. Military guards participating in a military funeral must be under the direction and control of a military officer.
- n. Hours: The Cemeteries are open to the public seven days a week from dawn to dusk. Persons found on Cemetery grounds outside these visiting times will be subject to prosecution. The open hours of building facilities are posted but are subject to change at any time due to unforeseeable circumstances and may be modified as appropriate.
- o. Memorial Services: The Cemetery Administration may permit memorial services of a respectful nature within a Cemetery but permission must be obtained from the Cemetery Administration prior to any such public memorial services within the Cemetery grounds.

12. FLOWERS AND DECORATIONS

- a. Purpose: The Cemetery Administration reserves the right for the good of all to regulate the method of decoration of Lots and Niche faces. It is important to understand that decoration must be done in such a fashion that it does not infringe upon adjacent spaces or create either a hazard or an unattractive situation which may be offensive to others.
- b. Planting: No planting of any kind may be done on graves. Decorating with fresh cut and artificial flowers is appropriate and welcomed. Decorations must be placed within

unbreakable vases approved by the Cemetery Administration and installed by an approved Monument installer.

- c. Authorized Vases: For ground Burials with flat Marker, the vase is a retractable, permanent metal vase that is part of the Marker or installed separately in proximity to the memorial or in the case of an upright Monument the vase is attached to the Monument.
- d. Memorialization, Flowers: Flowers can be left on spaces in an approved retractable vase, all year round and fresh flowers are encouraged from April 1 to October 31. Artificial wreaths, crosses and decorations are permitted from October 31 to April 1 only and will be removed without notice after April 1.
- e. Burial Flowers: At the time of Burial, floral tributes will be left until wilted or in the case of artificial flowers become unsightly. Flowers or arrangements will be removed without notice by the Cemetery Field Crew to prepare or sod the Lot. After sodding all flowers must be in the approved vases not set out on the grass.
- f. Seasonal Decorations: One week after major holidays all seasonal decorations shall be removed.
- g. Weekly Maintenance: Each week during the mowing season Cemetery Field Crew will remove unsightly and wilted flowers and decorations plus all decorations not in approved vases. Artificial flowers, arrangements or decorations removed will be placed in a common area of the Cemetery for one month in order to be claimed.
- h. Donations: the Town will accept unconditional donations only, which will be used for the purpose of Cemetery operations. Such donations will be placed in a designated Cemetery fund.

13. COLUMBARIUM

- a. Niche Package: The purchase price of a Niche in a Columbarium covers the cost of Easement, future care of the structure, basic inscription, and Inurnment.
- b. Interment Number: The number of Urns permitted in a Niche shall be specified by the Cemetery Administration at the time of purchase. No additional Interments or memorialization will be permitted.
- c. Resale: Niche owners shall not sell their Niche in whole or in part. Such sales will not be recognized by the Cemetery Administration. The Cemetery Administration will repurchase unused Niche at the original purchase price or 85% of the current sale price, whichever is greater. The Cemetery Administration will exchange a Niche for another of comparable price and location if requested by the Licensee. An administration fee will apply.
- d. Burial Authorization: Before the opening of a Niche prior to Inurnment, the Licensee or his/her next of kin must sign an authorization and pay any amounts outstanding for the Space or Inurnment.

14. Bylaw 08/2010 is hereby rescinded in its entirety.

15. This Bylaw shall come into force on date of final passage.

Read a First Time November 14, 2016

Read a Second Time November 14, 2016

Unanimous Consent November 14, 2016

Read a Third Time November 14, 2016



Mayor



Manager, Legislative Services