



**TOWN OF HIGH LEVEL
REVISED BYLAW NO. 895-10**

CEMETERY

A BYLAW OF THE TOWN OF HIGH LEVEL IN THE PROVINCE OF ALBERTA, PURSUANT TO THE PROVISIONS OF THE CEMETERIES ACT, BEING CHAPTER C-3 OF THE REVISED STATUTES OF ALBERTA 2000 AND AMENDMENTS THERETO, TO REGULATE AND CONTROL THE OPERATION OF THE HIGH LEVEL CEMETERY AND TO REPEAL BYLAW 495.

WHEREAS the Council of the Town of High Level deems it desirable and expedient to repeal Bylaw No. 495 and regulate and control the operation of the High Level Cemetery;

AND WHEREAS the Southwest Quarter of Section 16, Township 110, Range 19, West of the 5th Meridian as recorded under plan 4227 R.S. is owned by the Town of High Level and was established and designated as a municipal owned and operated cemetery;

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

PART I – PURPOSE, DEFINITIONS AND INTERPRETATION

PURPOSE

1. The purpose of this Bylaw is to regulate and control the operation of the High Level Cemetery and to repeal Bylaw No. 495.

DEFINITIONS

2. In this Bylaw, unless the context otherwise requires, the word, term, or expression:
 - (a) **“Accessory item”** includes, but is not limited to, monuments, tombstones, grave markers, ironworks, other structures including, but not limited to spirit house, funeral designs, vases, ornaments or floral pieces.
 - (b) **“Act”** means the “Cemeteries Act” being Chapter C-3 Revised Statute of Alberta 2000 as amended from time to time.
 - (c) **“Base”** means the lowest portion of a memorial (foundation or footing) upon which a monument or marker is installed.

Dimensions: Length (horizontal) x Width (depth) x Height (thickness).

- (d) **“Burial permit”** is a burial permit issued under the Vital Statistics Act.
- (e) **“Burial Plot”** means a single grave plot for the purpose of the interment of human remains or cremated human remains.
- (f) **“Cemetery”** means land that is set apart or used as a place for the burial of human remains or cremated human remains (cremains).
- (g) **“Child”** means a person, the burial of whom requires less than half of a full burial plot.
- (h) **“Council”** means the Council of the Town of High Level.
- (i) **“Cremains”** means the ashes of human remains that have been cremated.
- (j) **“Cremation Certificate”** is a certificate produced by a crematorium after a cremation is completed.
- (k) **“Indigent”** means the financial resources of the legally responsible person are inadequate and there are no other means to pay.
- (l) **“Human Remains”** means the body of a deceased person, and cremated remains.
- (m) **“Interment”** means the excavation of a grave to the depth and size required by the Cemeteries Act, being Chapter C-3 of the Revised Statutes of Alberta 2000 and amendments thereto, the placing (but not the provision) of a rough box, the backfilling of the grave and the removal of any excess earth.
- (n) **“Memorial”** is a monument or marker placed upon a cemetery plot for the purpose of identification or in memory of a deceased person or persons.
- (o) **“Monument”** means anything that is called a headstone, tombstone, upright or vertical monument, horizontal monument, a pillow marker, or flat marker that is made of, but is not limited to, commercial grade granite, marble, fieldstone, or bronze, supported by a concrete monument

base which is somewhat lower but level with the surrounding ground.

- (p) **“Pre-need contract”** means a contract for the provision of cemetery services, under which all or part of the cost of the cemetery services to be provided is paid before the death of the person for whose benefit the contract is entered into;
- (q) **“Town”** means the Town of High Level.
- (r) **“Veteran”** as defined in the War Veterans Allowance Act (Canada) and the regulations under the Act.
- (s) **“Undertaker”** means any registered or licensed embalmer or mortician or any other person authorized by Provincial Statute to inter deceased persons.

INTERPRETATION

- 3. The marginal notes and headings in this Bylaw are for reference purposes only.

PART II – LOCATION AND NAME

LOCATION

- 1. The property belonging to the Town of High Level and located the Southwest Quarter of Section 16, Township 110, Range 19, west of the 5th Meridian as recorded under plan 4227 R.S. and known as the “High Level Cemetery” shall be and is appropriated as a public cemetery.

PART III – ADMINISTRATION

SALES

- 1. The Town shall be responsible for the selling of burial plots in the High Level Cemetery and for the collection of all fees and charges in connection therewith.

RECORDS

- 2. The Town shall be responsible for the keeping of all cemetery records as required by law.

SUPERVISION

- 3. The general supervision of the said cemetery shall, at all times, be under the supervision of the Town.

MAINTENANCE

- 4. The Town shall keep the cemetery in good order and repair to ensure the safety of the public and preserve the dignity of the cemetery in the manner required by the Cemeteries Act General Regulations.

PART IV – REGULATION OF PLOTS

CHARGES MAY BE ADOPTED BY RESOLUTION

1. Council will establish by resolution the charges to be made for grave plots in the High Level Cemetery from time to time as deemed necessary, the charges to apply in all cases and to include perpetual upkeep of plots whether occupied or otherwise, but not to include the maintenance, placing or removal of tombstones or grave markers.

FEES AND CHARGES

2. The CAO or a designate shall, from time to time, review cemetery fees and charges, and recommend to Council any appropriate changes. Fees and charges shall be those appearing in the Fees Bylaw # 889-09 as amended from time to time.

EVIDENCE OF OWNERSHIP

3. A Certificate of Interment for any burial plot(s) so sold shall be signed by the CAO or a designate and delivered to the purchaser under the corporate seal of the Town of High Level, the wording to include the written words as specified in the attached Schedule “B”.

BURIAL PERMIT

4. The Town shall not issue permission for a burial in the Cemetery without being in receipt of a ~~proper~~ burial permit issued under the Vital Statistics Act.

NO RESALE ON OPEN MARKET

5. Those persons owning burial plots shall not re-sell said lots, nor shall they allow interments in these lots for remuneration.

PART V – INTERMENTS

A. GENERAL

INTERMENT CHARGES

1. Council may by resolution set charges to be made for the opening and closing of a grave plot in the High Level Cemetery as deemed necessary.

NOTIFICATION OF INTERMENT

2. In all cases, notification of intention to inter must be given to the Town Office during regular hours at least 48 hours prior to the time of interment. This notification may be waived when the body to be interred died from a contagious disease or if special circumstances so require.
3. It shall be unlawful to bury or cremate a deceased person within the High Level Cemetery except pursuant to the terms of the “Cremation Act”, “Cemeteries Act” and Regulations thereunder.

- DISINTERMENT**
4. No person other than the Town shall open or close a grave or make a disinterment in the High Level Cemetery.
 5. Undertakers must provide the necessary lowering devices and make their own arrangements for the placing of mats, wreaths, flowers, etc. around the grave.

B. BURIAL PLOTS

- INTERMENT – BURIAL PLOTS**
1. No more than two deceased adults or one deceased adult and two deceased children will be allowed in one grave.
- SECOND INTERMENT**
2. No second interment in the same grave will be allowed unless provision is made for the top of the second box to be not less than 1.22 meters below ground level.
- SPECIAL PERMISSION**
3. Any request for special permission with respect to interments will be directed to the CAO and approval will be at the discretion of Council.
- BURIAL OF CREMAINS**
4. No more than six person’s cremains will be allowed in one grave. Further, no more than two person’s cremains shall be interred within an occupied grave site with the cremains being not less than 1.22 meters below ground level.

C. DESIGNATION OF PLOTS

- FIELD OF HONOR**
1. All burial plots located in Blocks 2, 3, 12, 13, and 14 of the cemetery shall be preserved for the burial of veterans and their immediate family members. This shall be referred to as the Field of Honor as illustrated in Appendix “A” of this Bylaw.
- INDIGENTS OR UNCLAIMED BODIES**
2. All burial plots located in Block 59 of the cemetery shall be reserved for the burial of indigents or unclaimed Bodies in accordance with the provisions of the Cemeteries Act.

PART VI

D. SALE OF PRE-NEED BURIAL PLOTS

- PRE-NEED PLOTS**
1. Burial plots may be purchased and held in reserve by any person or estate by paying in full the land tariff for such plots as set out in the Fees Bylaw #889-09 as amended from time to time.

TRANSFER

2. Burial plots reserved in the High Level Cemetery shall not be sold or transferred by any person or estate without first obtaining permission to do so from the Town and such sale or transfer shall only be permitted on receipt of a transfer fee as established by Council.

REFUND

3. The holder of a reserve plot in the High Level Cemetery may cancel out his ownership, in which case the Town will refund said holder an amount representing 100% of the value of the plot at the initial time of purchase, less an administrative fee as established by Council.
4. Upon the purchase of a pre-need burial plot the Town shall provide the purchaser with a pre-need contract, the wording to include the written words as specified in the attached Schedule "A".

**PART VII
MONUMENTS, GRAVE MARKERS, GRAVE STONES**

DAMAGE

1. The Town does not accept responsibility for the maintenance of monuments and other accessory items due to normal wear, aging or deterioration. Minor scraping of the base portion of upright monuments due to turf mowing operation is considered normal wear.

**VERTICAL AND
HORIZONTAL
MONUMENTS**

2. Vertical and horizontal monuments, tombstones or markers placed above the level of the ground will be allowed in the High Level Cemetery.
3. No more than one monument, marker or tombstone is allowed at each gravesite.
4. Twelve months must elapse between the date of interment and the placing of any permanent tombstone or monument.

PLACEMENT

5. Approved markers, monuments, or stones must be placed or erected by the parties concerned, but the placing or erection thereof shall be at the direction of the Town. No marker set flush with the ground in the cemetery shall be of a size larger than sixty one (61) cm (24 inches) in width and thirty one (31) cm (12 inches) in depth.

**MONUMENT
PERMIT REQUIRED
PRIOR TO
ERECTING**

6. No monuments, tombstones, grave markers, ironworks or accessory items of any kind whatsoever shall be installed, erected or placed in the said cemetery, whether it be mentioned herein or not, without first obtaining a permit from the Town.

To obtain a permit, a sketch of the proposed tombstone, grave marker, ironwork, or accessory item outlining the height, size of base, and inscription must be presented.

FOUNDATION

7. The foundations of vertical monuments, tombstones or grave markers must be at least fifteen (15) centimetres wider than the widest portion of the stone, and of sufficient depth to support the weight being imposed thereon with said foundation being at ground level. In no case may the foundation be less than fifteen (15) centimetres of concrete on top of gravel or stone.

HEIGHT

8. No monument in the cemetery shall be more than one hundred and five (105) centimetres in height from the surface of the sod, including the height of the base of the monument.

MATERIALS

9. The construction material of the monument includes, but is not limited to granite, marble, fieldstone, limestone, or bronze. No fixtures or ornaments made of any type of breakable material may be attached to any monument, gravestone or marker.
10. A monument should be designed with consideration being given to the size and character of others near at hand.

PART VIII

OPERATION AND MAINTENANCE

CLEANING OF DEBRIS

1. All earth, debris, litter and rubbish arising or resulting from work done on any plot by or on behalf of the owner of the burial plot therein must be removed from the Cemetery by the said owner or his/her contractor or work staff.

ORNAMENTS

2. Lettered boards, enclosures or designs of any description designating graves, other than the standard marker provided by the cemetery will not be allowed.

SHRUBS, TREES & FLOWERS

3. No shrubs, trees, or flowers may be planted in any part of the said cemetery other than those planted or approved by the Town in the areas reserved for such planting.

FENCES

4. No person shall erect upon a grave plot any curbs, fences, railings, walls, copings, trellises, hedges, trees, or shrubs, or the like and where any of the same have been previously erected on or around a grave plot and have by reason of age or neglect become unsightly or objectionable, the Town may cause same to be removed but, in so doing, will leave the area in a safe, proper and neat condition.

**UNSIGHTLY OR
DILAPIDATED
MONUMENT, OR
ACCESSORY ITEM**

5. Where the Town finds any monument or accessory item upon a grave plot in a state of disrepair, unsightly or objectionable, or directly interfering with routine cemetery maintenance, the Town shall notify the owner of the heirs in writing thereof and require that the repairs be undertaken within thirty days. If the said repairs are not undertaken within thirty days, the Town may cause the monument or accessory item to be removed.

**CONDITIONS -
ACCESSORY ITEMS**

6. Accessory items have a limited lifespan and are not under warranty by the cemetery. Accessory items installed in northern climates are subject to extreme changes in temperature, are accessible to people, wildlife and unforeseen factors that will affect the life of the accessory item. Expect that normal wear and tear will occur.

The Town shall have authority to have removed from any grave any weeds or grass, funeral designs, vases or floral pieces, which have become wilted, or any other articles or things, which are in the Town's opinion, unsightly.

**PART IX
CEMETERY**

**REMOVAL OF TREES
OR SHRUBS**

1. If any trees or shrubs situated in any plot shall by means of their roots, branched or otherwise become detrimental to the adjacent lots or avenues or dangerous or inconvenient to visitors, the Town shall have the right to direct the removal of the said trees or shrubs or such parts thereof as are detrimental, dangerous or inconvenient.

VANDALISM

2. Any person who:
- a.) wilfully destroys, mutilates, writes on, defaces, injures or removes any monument, tombstone or marker, or any accessory item, vehicle, building, machinery, tool, equipment, or any material placed or left in the said cemetery, or any railing, fence or other work, for the protection, maintenance, or ornamentation of the cemetery, or burial plot, or
 - b.) wilfully destroys, cuts, picks, breaks or injures any tree, shrub or plant in the said cemetery, or
 - c.) plays any game or sport, or

- d.) discharges or carries a firearm except firearms at a military funeral, or
- e.) wilfully or unlawfully disturbs persons assembled for the purpose of burying a body in the said cemetery,
- f.) or who commits a nuisance or at any time behaves in an indecent or unseemly manner in the said cemetery,

shall be subject to the penalties of this Bylaw.

ANIMALS NOT PERMITTED

- 3. No person shall turn loose, ride or allow to go at large any cattle, swine, horses, dogs, cats, or any other animal in the said cemetery.

SPEED LIMIT MAX 15 KM PER HOUR

- 4. No person shall be permitted to drive a vehicle or conveyance within the said cemetery at a greater speed than fifteen (15) kilometres per hour, nor elsewhere than upon the roadways provided for vehicular traffic.

NO ATV's PERMITTED

- 5. No person shall be permitted to drive, ride, park, or operate any all terrain vehicle, minibike, motor cycle, or any off-highway vehicle, or snow vehicle within the said cemetery.

NO SOLICITING

- 6. The Town shall have the right to prohibit the entry of any person or persons who do not have related business at the cemetery.

**PART X
PENALTIES**

- (1) Any Person who contravenes any provision of this bylaw by:
 - (a) Doing any act or thing which the person is prohibited from doing; or
 - (b) Failing to do any act or thing the person is required to do;

is guilty of an offence.

Any Person who is convicted of an offence pursuant to this bylaw is liable on summary conviction to a fine not less than Three Hundred (\$300) Dollars but not exceeding Five Thousand (\$5000) and in default of payment of any fine imposed, to a period of

imprisonment not less than 7 days and not exceeding sixty (60) days or until such fines are paid.

**PART XI
REPEAL OF BYLAW 495**

REPEAL BYLAW NO. 495 1. Bylaw No. 495 is hereby repealed.

**PART XII
GENERAL**

EFFECTIVE DATE 1. This Bylaw shall take force and have effect upon final reading thereof.

READ a first time this 22nd day of March, 2010.

READ a second time this 22nd day of March, 2010.

READ a third and final time this 12th day of April, 2010.

SIGNED AND PASSED THIS DAY OF , 2010.

MAYOR

MUNICIPAL SECRETARY

SCHEDULE A – BYLAW NO. 895-10

THE FOLLOWING SHALL APPEAR IN EACH CONTRACT FOR THE PURCHASE OF A PRE-NEED CEMETERY PLOT IN THE HIGH LEVEL CEMETERY.

PURSUANT TO ALBERTA REGULATION NO. 249/98 – THE CEMETERIES ACT GENERAL REGULATION – SCHEDULE 1

1. You may cancel this contract at any time for any reason. You may cancel without charge or penalty at any time during the period from the day you enter into the contract until 30 days after you receive a copy of the contract. If you cancel after 30 days, you may still have to pay for interment space and for any cemetery supplies and cemetery services that have already been supplied, performed or delivered, as the case may be.
2. After the penalty free 30-day cancellation period is over, the Town of High Level will charge an administration fee of \$25.00 before your payment is placed in trust. This administration fee is non-refundable if you cancel.
3. If you cancel this contract the Town of High Level has 15 days to refund any money you are owed. To cancel, you must give a notice of cancellation to the Town of High Level at 10511 – 103 Street, High Level, Alberta T0H 1Z0. You should give notice of cancellation by a method that will allow you to prove that you gave notice, such as registered mail, fax, courier, or by personal delivery.
4. After the penalty free 30-day cancellation period is over, the Town of High Level will not allow you to resell your interment space on the open market. The Town of High Level will buy back the unused interment space from you at 100% of the purchase price at the initial time of purchase upon receipt of an administration fee of \$25.00.

SCHEDULE B – BYLAW NO. 895-10

THE FOLLOWING SHALL APPEAR IN EACH CERTIFICATE OF INTERMENT FOR THE PURCHASE OF A CEMETERY PLOT IN THE HIGH LEVEL CEMETERY.

PURSUANT TO ALBERTA REGULATION NO. 249/1998 – THE CEMETERIES ACT GENERAL REGULATIONS – SECTION 36

Evidence of ownership

The owner of a cemetery shall, at the time of the sale or agreement for sale of each grave lot, compartment or other space in the cemetery or mausoleum, deliver to the purchaser a certificate, agreement or other document showing the following:

- (a) the name of the purchaser;
- (b) the date of the purchase;
- (c) the amount of the sale and terms of payment, if any;
- (d) the amount, if any, to be deposited to the perpetual care fund;
- (e) in the case of a grave lot, its location, its area or dimensions and the number of grave spaces in it;
- (f) in the case of a mausoleum, the number or other designation of the compartment or space in it.



TOWN OF HIGH LEVEL

MONUMENT PERMIT

HIGH LEVEL CEMETERY

NAME OF DECEASED: _____ LOCATION: _____

A FEE OF \$50.00 IS REQUIRED FOR MONUMENTS. PAYMENT OF THE FEE IS REQUIRED PRIOR TO PLACEMENT OF THE MONUMENT. IF THE MONUMENT COVERS TWO GRAVES, THE FEE IS DOUBLE.

1. *THIS MONUMENT PERMIT FORM MUST BE AUTHORIZED AND PRESENTED AT THE TIME OF INSTALLING THE MONUMENT TO THE TOWN OF HIGH LEVEL; IF YOU DO NOT PRESENT THIS PERMIT (OR A COPY THEREOF) YOU MAY NOT INSTALL THE MONUMENT.* Approved markers, monuments, or stones must be placed or erected by the parties concerned, but the placing or erection thereof shall be at the direction of the Town.
2. *A SKETCH OF THE PROPOSED TOMBSTONE, GRAVEMARKER, IRONWORK, OR ACCESSORY ITEM OUTLINING THE HEIGHT, SIZE OR BASE, AND INSCRIPTION WITH MEASUREMENTS **MUST BE** ATTACHED TO THIS PERMIT FOR AUTHORIZATION PRIOR TO APPROVAL.*
3. Twelve Months must elapse between the date of interment and the placing of any permanent tombstone or monument.
4. The Town, its agents or employees shall not be responsible for any damage whether wilful or accidental, to any lot, memorial tables, monument or accessory item located within the High Level Cemetery.
5. The Maximum size of any vertical monument, tombstone or marker are as such:

HEIGHT	105 CM (1.05 M)	41 IN
<i>From the Surface of the Sod, including the Height of the Base of the Monument</i>		
WIDTH	92 CM (0.92 M)	36 IN
DEPTH	30 – 38 CM (0.3 to 0.38 M)	12 – 15 IN

6. The Maximum size of any horizontal monument, tombstone or marker are as such:

HEIGHT	105 CM (1.05 M)	41 IN
<i>From the Surface of the Sod, including the height of the base of the monument</i>		
WIDTH	92 CM (0.92 M)	36 IN
LENGTH	200 CM (2 M)	78.5 IN

- a. The placement of a vertical monument must be centered width wise and positioned at the discretion of the Town.
- 7. The foundations of monuments, tombstones or grave markers must be at least 15 cm (5 inches) wider than the widest portion of the stone, and of sufficient depth to support the weight being imposed thereon with said foundation being at ground level. In no case may the foundation be less than 15 cm (5 inches) of concrete on top of gravel or stone.
- 8. All monuments must be made of, but not limited to, commercial grade granite, marble, fieldstone, limestone, or bronze. No fixtures or ornaments made of any type of breakable material may be attached to any monument, gravestone or marker.
- 9. A monument should be designed with consideration being given to the size and character of others near at hand.

CONDITIONS - ACCESSORY ITEMS

Accessory items have a limited lifespan and are not under warranty by the cemetery. Accessory items installed in northern climates are subject to extreme changes in temperature, are accessible to people, wildlife and unforeseen factors that will affect the life of the accessory item. Expect that normal wear and tear will occur.

The Town shall have authority to have removed from any grave any weeds or grass, funeral designs, vases or floral pieces, which have become wilted, or any other articles or things, which are in the Town’s opinion, unsightly.

ANY deviation from these conditions MUST be approved by the Town of High Level PRIOR TO ANY INSTALLATIONS OF MARKERS.

NAME OF APPLICANT _____ TELE/CELL NO. _____

MAILING ADDRESS OF APPLICANT _____

 APPLICANTS SIGNATURE TOWN AUTHORIZATION DATE OF ISSUANCE

FEE: _____ RECEIPT NO. _____ MONUMENT LOCATION CHECKED BY _____ DATE _____

PLEASE NOTE: ANY PERSONAL INFORMATION THAT YOU PROVIDE TO THE TOWN OF HIGH LEVEL IS BEING COLLECTED FOR THE PURPOSE OF PROVIDING A MUNICIPAL SERVICE AS SPECIFIED IN THE MUNICIPAL GOVERNMENT ACT AND WILL BE USED ONLY IN ACCORDANCE WITH THAT ACT