

**TOWN OF THREE HILLS
BYLAW NO 1422-18**

**BEING A BYLAW OF THE TOWN OF THREE HILLS TO REGULATE AND CONTROL THE
OPERATION OF THE THREE HILLS CEMETERY**

WHEREAS the Council of the Town of Three Hills currently owns and operates a cemetery within the Town of Three Hills;

AND WHEREAS the Town finds it necessary to expand and further develop the said cemetery and to incorporate changes to the operating rules and procedures of the said cemetery;

AND WHEREAS *Cemeteries Act* RSA, 2000 provides the Town with the authority to pass a bylaw to regulate and control the operation of a cemetery within the Town of Three Hills;

NOW THEREFORE the Council of the Town of Three Hills, duly assembled, enacts as follows:

Part I: NAME

This bylaw shall be cited as the Cemetery Operation Bylaw.

Part II: DEFINITIONS:

In this Bylaw, unless the context otherwise requires:

- a. “**Act**” shall mean the *Cemeteries Act* RSA, 2000.
- b. “**CAO**” means the Chief Administrative Officer for the Town of Three Hills appointed by Council or his/or her designate.
- c. “**Cemetery**” shall be defined as those lands located along the north boundary of the northwest quarter of Section 36, Township 31, Range 24, west of the Fourth Meridian, which have been purchased by the Town of Three Hills for the purpose of housing the Town’s cemetery.
- d. “**Columbarium**” shall mean an above ground structure containing compartments for interring cremains.
- e. “**Council**” means duly elected officers of the Municipality.
- f. “**Plot**” shall mean a plot measuring four (4) feet by ten (10) feet by eight (8) feet deep.
- g. “**Interment**” means the excavation of the plot to the required depth and size, the placing of but not the provision of a cement liner, backfilling of the plot and the removal of excess earth.
- h. “**Liner or Vault Box**” shall mean a box placed in the ground to totally enclose a casket in a plot in the cemetery. The container is designed and built to withstand the weight of the earth and standard cemetery maintenance equipment and to prevent the plot from collapsing.
- i. “**Niche**” shall mean a single compartment located in the Columbarium for placing a receptacle containing cremated remains.

- j. “**Owner**” shall mean a person or persons who purchase a plot or plots or compartment or compartments of a Columbarium in the Cemetery.
- k. “**Rights Holder**” is the individual who purchases the plot or niche and has the right to determine who can be buried in the plot or niche.
- l. “**Town**” means the Town of Three Hills, and its corporate boundaries.
- m. “**Undertaker**” means any registered or licensed embalmer or mortician or any other person authorized by the provincial government.
- n. “**Veteran**” means any former member of the Canadian Armed Forces who was honorably discharged and who successfully underwent basic training.

Part III: GENERAL

As per the *Cemeteries Act* RSA, 2000 the Town of Three Hills has elected to provide a cemetery.

Part IV: PLOTS AND DEEDS:

- a. The Town office will keep permanent records of the sale of plots and a permanent site map.
- b. Purchasers of cemetery plot deeds shall be made aware that the cemetery is to be used as a place of interment and that use is subject to present and future bylaws of the Town.
- c. Those persons owning plot(s) in the cemetery shall not resell or sub-let said plots.
- d. After a thirty (30) day penalty-free cancellation period is over the Town will purchase back any plots at 85% of the market value at the date of resale (as per Section 25 (b) of the Act). The Town shall charge an administration fee in the amount of \$100.00 per plot to cover the cost of transferring the deed and updating the cemetery register.
- e. Plots will be purchased on a next available basis. At the time of purchase additional family plots, to a maximum of four (4) plots may be purchased. When purchasing extra plots, the Town must be notified of rights holders to ensure proper record keeping.

Part V: INTERMENTS

- a. Where no previous interments are in the plot, the plot shall be permitted for the following:
 - i. the single burial of a person
 - ii. a burial of two (2) people in separate caskets, plus six (6) ash interments;
 - iii. a burial of a single person, plus six (6) ash interments;
 - iv. cremation purposes only for up to six (6) ash interments; or
 - v. at the discretion of the CAO, special consideration will be given to burial of one (1) adult and one (1) infant within one casket
- b. Single depth plots in Areas 3 & 4 (Old Section) where only a full burial has taken place shall be permitted for the interment of six (6) ash interments.
- c. All plots that have existing ash interments prior to January 1, 2018 shall be permitted for the interment of two (2) ashes per plot. Additional interments will be at the discretion of

the CAO.

- d. The first interment of a casket must be dug to double depth.
- e. A traditional casket burial is not permitted once the first cremation is placed in the plot.
- f. Undertakers must provide the necessary lowering devices and make their own arrangements for the placing of mats, wreaths, flowers, etc. around the plot.
- g. The owners of plots shall not allow interments (including cremains) to be made therein, nor shall they sub-let the same without the approval of the Town.
- h. All interments shall require the use of cement or polypropylene vaults.
- i. Two urns are permitted in a columbarium niche.
- j. Notwithstanding any other provisions of this Bylaw, requests for burials must reach the Town a minimum of forty-eight (48) hours (two working days) before the burial is to take place. Exceptions will be made on an individual basis with authorization from the CAO.
- k. Burial services shall be primarily conducted between the hours of 8:30 am to 4:00 pm Monday to Friday inclusive. If burial service is required after 4:00 pm on a weekday or on a weekend or a Statutory Holiday, additional charges will apply and shall be based on the rate as stated in the Town of Three Hills - Fees, Rates and Charges Bylaw - Cemetery.

Part VI: MONUMENTAL REGULATIONS

- a. Monuments shall be placed as directed by the Town staff in accordance with the bylaw regulations.
- b. In Area 1 or 2 (new section) of the cemetery the maximum height for headstones will be one (1) meter (40 inches). Total height shall include headstone and marble/granite base.
- c. The Town shall report to a family member or responsible party of a monument that is a hazard or danger to the public. If no interested person, including any close relative of the deceased is prepared to make the repairs or if one cannot be located, the Town according to the Act may have the monument repaired and placed back in the original location.

Part VII: GENERAL CONDITIONS AND RULES

- a. Any person who willfully destroys, mutilates, writes on, defaces, injures or removes any monument, tombstone or marker, or any structure, 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 willfully destroys, cuts, picks, breaks or injures any tree, shrub or plant in the said cemetery, or plays any game or sport, or discharges or carries a firearm except firearms at a military funeral, or who willfully or unlawfully disturb persons assembled for the purpose of burying a body in the said cemetery, 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.

- b. 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.
- c. No person shall be permitted to drive a vehicle within the said cemetery at a speed greater than fifteen (15) km per hour, nor elsewhere than upon the roadways provided for vehicular traffic.
- d. No person shall be permitted to drive, ride, park or operate any all-terrain vehicle, minibike, motorcycle, or any off-highway vehicle, or snow vehicle anywhere other than on roadways provided for vehicular traffic within the said cemetery.
- e. The Town shall have the right to prohibit the entry of any person or persons who do not have related business at the cemetery.
- f. If any trees or shrubs at present situated on any plot shall by reason of their roots or branches, or for any other reason interfere with the free use of any adjoining plot or avenue, the Town shall have the right to enter the said plot for the purpose of removing any such tree or shrub or any part thereof.
- g. The Town in accordance with the regulations is permitted to dispose of or otherwise deal with unsightly or dangerous ornamental items.
- h. Fences, railings, walls, copings, hedges, flower borders, trees etc. in or around the plots are prohibited. All plot surfaces are to be seeded to grass by the Town. Flowers may be placed at the time of burial and will be removed after ten (10) days so as the plot can be seeded to grass.
- i. To secure the best landscape effects, it is essential that the Town shall assume the general care of the entire grounds.
- j. No person shall be permitted to do any work on any plot. The Town shall be responsible for the opening and closing of all plots unless authorized by the CAO.
- k. Burials are not permitted in the cemetery unless a proper burial permit is provided to the Town.
- l. The Town or any officer thereof shall not be responsible for any mistake resulting from lack of precise or proper instruction regarding the plot where interment has been made prior to this date.
- m. Disinterment of a body shall not take place until a disinterment permit has been issued in accordance with section 42 of the *Vital Statistics Act*.
- n. Work in the immediate vicinity shall be discontinued during any burial service in the cemetery.
- o. The Town may prohibit the driving of any vehicle in the cemetery when the roads are deemed to be in an unfit condition. Any damage incurred by a vehicle within the boundaries of the cemetery, howsoever caused, shall be at the responsibility of the registered owner of the vehicle. Any damage must be reported to the Town immediately.

Part VIII: CHARGES:

The price for plots shall be sold and the fees to be charged for opening and closing plots shall be set from time to time by resolution of Council.

Part IX: PENALTY:

That any person guilty of any infraction of the provisions of this Bylaw shall be liable on summary conviction to a fine of not more than five thousand (\$5000.00) dollars and costs, and in the event of such fine and costs not being paid to imprisonment for a term not exceeding ninety (90) days.

Part X: EFFECTIVE DATE:

This bylaw shall come into force and effect on the third and final reading thereof.

Part XI: REPEAL OF PREVIOUS BYLAWS:

Bylaw No. 1227-02 being a bylaw to regulate and control the operation of the Three Hills Cemetery is hereby repealed.

Bylaw No. 1414-17 being a bylaw to regulate the number of interments per plot is hereby repealed.

Bylaw No 1337-11 being a bylaw to regulate the size of headstone within the new section (1999 expansion) of the cemetery is hereby repealed.

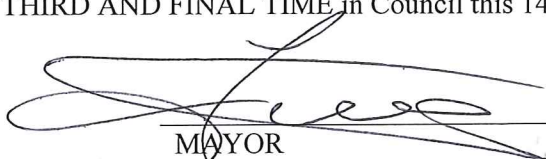
Part XII: ENACTMENT

This Bylaw shall come into force and effect upon the date of the passing of the third and final reading and signing thereof.

READ FIRST TIME in Council this 23rd day of April, 2018.

READ A SECOND TIME in Council this 14th day of May, 2018.

READ A THIRD AND FINAL TIME in Council this 14th day of May, 2018.



MAYOR



CAO

