BYLAW 1993 - 15

BEING A BYLAW OF THE TOWN OF TROCHU TO PROVIDE FOR THE CONTROL AND REGULATION OF THE TOWN CEMETERY.

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE TOWN OF TROCHU IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:

TITLE

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

DEFINITIONS

1. In this Bylaw, unless the context otherwise requires:
   (a) "Cemetery Foreman" means the Town employee actually working at the cemetery under the instruction and supervision of the Municipal Administrator.

   (b) "Cemetery" means the Cemetery in the Town known as the Trochu Town Cemetery.

   (c) "Town" means the Town of Trochu, in the Province of Alberta.

   (d) "Administration Department" means the Administrative Department of the Town directed by the Municipal Administrator.

   (e) "Council" means the Mayor & Council of the Town.

   (f) "Common Ground" means the portion of a cemetery which is so designated on the cemetery plan on which cremated human remains may be scattered.

   (g) "Family Plot" a plot or a number of plots, which lie adjacent to one another which are to be reserved for the burial of family members.

   (h) "Flowering Ornamental" means any perennial, annual and bi-annual flowering plant.

   (i) "Foundation" means any structure for the purpose of supporting or providing a base for a monument.

   (j) "Grave" means a plot used as a place of burial.

   (k) "Holiday" means: New Year's Day, Good Friday, Easter Monday, Victoria Day, Canada Day, Civic Holiday in August, Labour Day, Thanksgiving, Remembrance Day, Christmas Day, Boxing Day, and all holidays proclaimed or adopted by the Town.

   (l) "Plot" means a plot as shown on a cemetery plan on record in the Town Office.

(m) "Monument" means any structure in a cemetery erected or constructed on any grave or lot for memorial purposes.

(n) "Resident" means a person who has been ordinarily living in the Town and has resided in the Town immediately preceding his or her death or his or her application to purchase a lot.

(o) "Woody Ornamental" means any trees, shrubs, creepers and climbers.

(p) "Public Work Hours" means regular hours of work from 8:00 a.m. to 5:00 p.m. each day, Monday through Friday, excluding holidays.

DUTIES, RIGHTS AND POWERS OF THE MUNICIPAL ADMINISTRATOR

2. The Administrator shall have charge of the cemetery and shall exercise control over all persons employed therein.

3. The Administrator shall have authority to order that the graves in any particular section of the cemetery shall be laid in accordance with the General Plan.

4. The Foreman shall have the authority to remove any funeral designs or floral pieces which may become wilted, after the expiration of 5 days from placement.

5. The Foreman shall have the right to remove any woody ornamentals situated on or about the cemetery which become by means of their roots or branches or in any other way detrimental to adjacent lots, walks or driveways, prejudicial to the general appearance to the grounds or dangerous or inconvenient to the public.

6. (1) No person shall disturb the quiet or good order of the cemetery.
(2) A member of the Royal Canadian Mounted Police, Cemetery Foreman, or other person from time to time in charge of the cemetery may evict therefrom, using such force as is reasonably necessary, or deny entrance, to any person who contravenes paragraph '(1)' hereof.

LOTS

7. The cemetery plan of the plots made available by the Town for burial purposes now on record in the Town Office together with all subsequent plans of cemetery lands approved by the Council, shall be the plans of the cemetery herein referred to and all interments shall be made and records kept by the Town Office in accordance with such plans.

8. The purchase price for burial plots shall be as established in Schedule "D" annexed hereto.

Form #7-5210

9. Effective upon passage of this bylaw, all double and single family plots hereafter surveyed shall have dimensions of 10 feet by 10 feet and 5 feet by 10 feet respectively.

10. 1) The Town Administration shall:
   (a) administer all sales of plots and interments in the cemetery, and receive all monies therefrom.
   (b) upon payment by any person to the Town of the full price of any plot, the Town furnish such person with a receipt for the sum paid.

   2) Cemetery plot purchases and all associated Municipal costs may be invoiced to the respective purchaser, or Funeral Director and are due and payable within twenty one (21) days.

11. A burial plot deed shall be completed in the form of Schedule "A" upon the purchaser paying or being invoiced the amount set forth in the tariff of fees contained in Schedule D.

12. The funds received by the Town for perpetual care will be invested by the Town and the interest therefrom shall be used to offset the maintenance of the cemetery.

13. A plot may be transferred from one person to another person but no transfer shall be valid unless such transfer is duly registered with the Town Office.

14. Notwithstanding Section 13, an unused burial plot may be exchanged or transferred back to the Town, whereupon the owner shall be entitled to receive a refund of the original purchase price, including the amount paid for perpetual care, less an administration fee of 10% of the foregoing amounts. A Burial plot may be exchanged subject to a 10% administration fee being charged, calculated on the original purchase price, including perpetual care of the burial plot.

15. No plots shall be used for any purpose other than burial grounds for human bodies, and the cremated remains of human bodies.

16. Posts to mark the limits of the plots shall be permitted, provided that they are placed within the limits of the plots and are level with and not projecting above the ground.

17. The Town shall not be liable for damages resulting from theft, vandalism or damage, howsoever, caused to monuments erected upon a burial plot(s).

BURIALS

18. Wherever a plot is held by two or more persons, an order for interment in such plot or any part thereof will be accepted by the Town Office from any one of the said persons or their personal representative.

19. No person shall accept any fee or reward for the interment of any body in a plot of which such person is the deed holder, or over which he exercises any power of control.

20. 1) No burial shall be permitted in the cemetery unless a proper burial permit or certificate of cremation is produced by the party applying for the burial.

2) Between the months of May and October inclusive in any year, all applications for burials shall be made to the Town Office at least 2 working days before the time for interment.

3) Between the months of November of one year and April of the following year inclusive, all applicantions for burials shall be made at least 3 working days before the time of interment or at the discression of the Administrator.

21. No interment shall be permitted until a Burial Application and Permit in the form of Schedule "A" hereunto annexed has been completed and given to the Cemetery Foreman. Such permit shall contain the following particulars:

(a) Description of burial lot.
(b) Name of deceased.
(c) Name of undertaker or person responsible for burial.
(d) Date and time of burial.
(e) Name of applicant for burial permit.

22. A charge for overtime will be payable by the applicant of the burial permit or funeral director, if it is necessary for workmen to remain after their usual working hours.

23. 1) Graves shall be dug and interments made only by persons supervised by and under the direction of the Cemetery Foreman.
2) Any person or persons not under the control or supervision of the Cemetery Foreman shall not open any grave for the purpose of interring or removing a body.

24. 1) No grave for the burial of a deceased person the age of six (6) years or over shall be less than 6 feet (1.82 m) in depth from the surface of the ground surrounding the grave.

2) No grave for the burial of a deceased person five (5) years of age or under shall be less than 5 feet in depth from the surface of the ground surrounding the grave.
3) No grave for the burial of cremated remains shall be less than eighteen (18) inches (.46 m) in depth from the surface of the ground surrounding the grave.
4) No grave for the burial of two bodies, one above the other, shall be less than 8 feet (2.43 m) in depth from the surface of the ground surrounding the grave.

5) Where an adult body is buried in a regular plot without the use of a vault or a concrete liner, the applicant shall pay the fee specified in Schedule "D".

6) Storage and placement of concrete and wood liners shall be subject to a fee as outlined in Schedule D.

25. 1) The burial of cremated remains shall be in such portion or portions of the cemetery as may from time to time be designated by the Foreman.

2) The cremated remains of a person to be buried in the same regular lot in which a body is or is to be buried, shall be placed adjacent to the monument.

3) Cremated human remains may be scattered on the surface of common ground at no charge. Applicants shall complete a Burial Application and Permit and supply the Town Office with a copy of the Certificate of Cremation.

4) No burial of cremated remains on designated cremated remains lots on which an existing monument is erected shall be allowed between November 1 of one year, and April 30 of the next year then following.

26. 1) When more than one body is interred in the same grave, the last interment shall be at the depth of at least three (3) feet (.91 m) from the surface of the ground to the top of the coffin or casket and in no case shall the bodies of more than two persons be interred in the same grave.

2) When more than one body is to be interred in the same grave, the lower burial shall require a concrete outer case or vault.

3) No second interment shall be permitted in any lot in the cemetery on which there are unpaid charges due and payable to the Town.

27. The cremated remains of not more than 12 persons may be interred in a special lot reserved for the purpose or in a 5 feet (1.52m) by 10 feet (3.05 m) or in a 10 feet (3.05 m) by 10 feet (3.05 m) family lot.

28. All work in the immediate vicinity of a grave shall be discontinued during a burial service.

MONUMENTS

29. All person employed in the construction and erection of monuments or doing other work in the cemetery, whether employed by the Town or not, shall be subject to the direction and control of the Foreman.

30. 1) No monument shall exceed a height of 1 meter from the surface of the ground adjacent to the grave and no monument shall exceed the maximum horizontal dimensions of the foundation as set out in Schedule "C".

2) No monument or foundation shall be placed

on a lot until an application is made to the Town Office and a permit in the form of Schedule "B" hereunto annexed has been issued.

3) All foundations or monuments shall be confined within the boundaries of the respective lots, and all monuments shall be placed in a manner as to maintain whenever possible, a proper alignment consistent with grave monuments on adjacent lots.

4) Not more than two monuments shall be placed upon a single lot. The second monument placed upon a single lot shall be a flat monument and shall contain an area sufficient to accommodate inscriptions of possible future burials.

31. No foundations or monuments shall be erected on Sundays or holidays.

32. All person(s) erecting monuments shall ensure that such monuments are firmly secured to the foundation with glue and/or setting compound.

33. All foundations placed in the cemetery shall be made of concrete, excepting foundations for flat monuments which may be made of frosted granite. All foundations must be flush with ground level and conform to the specifications and dimensions of Schedule C annexed hereto.

34. All flat monuments placed in a cemetery shall be flush with ground level and conform with the specifications of Schedule "C" annexed hereto.

35. All monuments on cremation lots shall be flat monuments.

36. Grave covers shall be permitted in the cemetery and must be one foot larger in width and length than the grave excavation. Grave covers shall not be placed until two (2) years after internment.

37. All foundations and monuments not installed in strict conformance to this Bylaw shall be removed at the request of the Cemetery Foreman within five (5) working days.

38. The placement of foundations and monuments may be completed by the Town of Trochu or monument companies.

39. Whenever the owner of a monument neglects to make the required repairs or alterations to a monument within 30 days after receiving written notice from the Administrator to do so, the Administrator shall have the power to repair such monument and charge the cost thereof to the owner which may be recovered as a debt from the owner to the Town.

40. Unless permitted by the Foreman, no monument shall be erected from November 1 until the end of April following; and foundations required between October 1 and November 1 shall be precast.

VISITORS

41. No person other than an employee under the direction of the Municipal Administrator shall enter or remain in the cemetery between sunset of one day, and sunrise of the day next following.

VEHICLES IN THE CEMETERIES

42. No person shall drive any vehicle through any cemetery at a greater rate of speed than 20 km/h.

43. The Administrator may prohibit the driving of vehicles in any part of a cemetery.

44. The Administrator may prohibit the driving of any vehicle in the cemetery when the roads are in an unfit condition.

45. The owner of any moving vehicle shall be responsible for any damage done by such vehicle within the boundaries of the cemetery.

GENERAL PROVISIONS

46. Any society desiring to hold a memorial service at the cemetery shall give the Administrator at least 10 days notice in writing of their intention to do so.

47. No person shall:
    (a) erect fences, railing, walls, copings, hedges in or around any plots.
    (b) destroy, damage, deface or write upon any monument, or other structure or object in any cemetery.
    (c) deposit any paper, sticks, or refuse of any kind on any portion of the lands within the boundaries of the cemetery except in receptacles provided for that purpose.
    (d) remove the sod in graves or from any portion of any lot in the cemetery without first obtaining the consent of the Cemetery Foreman.

48. All grading, seeding of grass, and sodding work shall be done under the direction of the Cemetery Foreman by employees of the Town.

49. No person, other than the Administrator, or an employee under the direction of the Administrator, the owner of a deed or his agent, shall be permitted to care for any plot in any cemetery.

50. Benches may be permitted in a cemetery at such locations as the Administrator may direct.

51. No animal shall be allowed in any cemetery unless such animal is on a leash and accompanied by an adult person.

FEES AND CHARGES

52. The fees and charges set forth in Schedule "D" annexed hereto are hereby established as the charges for services provided under this bylaw.

FIELD OF HONOR

53. The Town shall set aside and maintain in a cemetery an area which shall be known as the "Field of Honor" which shall be reserved for burial of members and ex-members of the Canadian and British Naval, Military and Air Forces upon request of a relative or the Department of Veterans Affairs or Department of National Defence.

54. Spouses of members or ex-members of the Naval, Military and Air Forces may be buried in the same lot as his/her spouse only if the first burial is that of the member or ex-member.

PENALTY

55. Any person who commits a breach of any of the provisions of this bylaw shall on conviction for such breach, be liable to a penalty of not less than One Hundred ($100.00) and not exceeding One Thousand ($1,000.00) dollars exclusive of costs, or in the case of non-payment of the fine and cost imposed, to imprisonment for any period not exceeding sixty (60) days.

LING/ASHCROFT: First Reading. **CARRIED.**

VANDERKLEY/LING: Second Reading. **CARRIED.**

VANDERKLEY/ASHCROFT: Third and final reading. **CARRIED.**

_____
Mayor

_____
Municipal Administrator

THIS IS A TRUE AND CERTIFIED COPY.

_____

Form #743216

SCHEDULE A
TOWN OF TROCHU

PART 1 - APPLICATION TO PURCHASE BURIAL DEED

NAME OF APPLICANT: _____ DATE: _____

ADDRESS: _____ PHONE: _____

_____

If making this application, and in consideration of the Town of Trochu selling to the undersigned, the undersigned acknowledges and agrees:

1. This application shall constitute a binding contract between the parties for the purchase of the lots specified, and all of the provisions of the cemetery By-Law as amended from time to time hereafter shall be deemed to be included as terms and conditions of this contract.

2. That the title deed issued for the lot shall not be a title in fee simple, but shall be an easement or license only to use the burial lot.

3. That this agreement shall be binding upon the parties hereto, their respective heirs, executors, administrators, successors and, where permitted, their assigns.

4. The undersigned hereby waives, releases and discharges the Town, its officers, agents and employees from all claims, demands and rights of action which the undersigned may hereafter have against the Town for loss or damages, howsoever caused, resulting from the theft or vandalism or damage to the monuments or grave markers situate with, upon or under the lots howsoever caused.

5. Monument permit required prior to installation.

_____
SIGNATURE OF APPLICANT

LOT DESCRIPTION	
Single ( ) Double ( ) Ashes ( ) Other ___	Section: _____
$ _____	Plot: _____
Perpetual Care ( )	
$ _____	Lot: _____
TOTAL PAYMENT ENCLOSED $ _____	Letter: ____ Sub: ____
	Sub. Division: _____

In consideration of the payment in the amount herein set forth made by the Applicant, the Town hereby grants to the Applicant a burial lot deed entitling the Applicant to a license or easement to use the burial lot described and have access thereto:

Town of Trochu

Per: _____

PART II - BURIAL APPLICATION AND PERMIT

NAME OF DECEASED: _____ DATE: _____

NAME OF APPLICANT: _____ PHONE: _____

ADDRESS: _____

_____

FUNERAL DIRECTOR: _____

DATE OF BURIAL: _____ TIME: _____

SERVICE FROM: _____ Church/Chapel

TOWN CEMETERY _____ OTHER LOCATION _____

Burial: Wooden Box( ) Concrete Liner ( ) Ashes ( ) Vault ( ) Other ( )	$ _____
Surcharge (Settlement Repair):	$ _____
Overtime Charges ____ hours at ____/hour:	$ _____
Other Charges _____	$ _____
TOTAL	$ _____

The Applicant acknowledges and agrees that a permit for burial is issued subject to the provisions of the Town of Trochu By-Law 1993-15 and amendments thereto.

_____
SIGNATURE OF APPLICANT

PERMIT FOR BURIAL IF INTERED IN THE TOWN OF TROCHU CEMETERY

The Town of Trochu grants permission for the burial of the above deceased in the Town of Trochu Cemetery this _____ day of _____, 199__.

_____
TOWN OF TROCHU

PART III - RECEIPT

OR

The charges herein shall be invoiced to

_____

_____

_____

Invoiced this ____ day of _____ 199__.

Plot	$ _____
Perp.Care	$ _____
Surcharge	$ _____
Burial	$ _____
Overtime	$ _____
TOTAL	$ _____

Form #7-3210

PERMIT NO: _____

TOWN OF TROCHU
SCHEDULE B
MONUMENT PERMIT

NAME OF MONUMENT COMPANY: _____

NAME OF: PURCHASER: _____ DECEASED: _____

LOCATION: SECTION _____ PLOT _____ LOT _____ SUBD. _____

TYPE OF MONUMENT: FLAT _____ PILLOW _____ UPRIGHT _____

MATERIAL USED: GRANITE _____ BRONZE _____ MARBLE _____ OTHER _____

SIZE OF MONUMENT: ___ HEIGHT ___ FOUNDATION PROPOSED: YES __ NO __

DESCRIPTION: _____

DATE OF APPLICATION: _____ EST.DATE OF PLACEMENT: _____

FEE: _____ CASH _____ CHEQUE _____ INVOICE _____

_____ _____
APPLICATION COMPLETED BY: SIGNATURE OF APPLICANT:

==========

OFFICE USE ONLY

FOUNDATION REQUIRED: YES _____ NO _____

MONUMENT APPROVED FOR PLACEMENT BY: _____

DATE OF APPLICATION: _____ DATE OF PLACEMENT: _____

COMMENTS: _____

_____

_____

NOTE: ALL MONUMENTS MUST BE PLACED IN ACCORDANCE WITH THE TOWN OF TROCHU CEMETERY BYLAW NO. 1993-15 AND AMENDMENTS THERETO. PERMITS MUST BE PRESENTED TO THE FOREMAN PRIOR TO PLACEMENT. ALL PERMITS ARE VALID FOR A PERIOD OF 60 CALENDER DAYS FROM THE DATE OF APPLICATION.

Distribution: Copy 1 Monument Company
Copy 2 Foreman
Copy 3 Administrator

SCHEDULE D

PLOT	SIZE	RESIDENT	PERPETUAL CARE	NON RESIDENT
Single lot	5' x 10'	$150.00	N/A	~~$150.00~~ 300
Double lot	10' x 10'	$300.00	N/A	~~$300.00~~ 600

BURIALS	CHARGES
For the burial of the body of a deceased person.	~~$ 275~~
For the extra dept (8') to permit double burial (extra charge).	90
For the burial of cremated remains of any body.	80

Additional charges in respect of any burials carried out on a Saturday, Sunday or a holiday, shall be cost less regular charge, but in no case be less than $275.00.

INTERMENT & DISINTERMENT	CHARGES
For the disinterment of the body of a deceased person	$1000
For the disinterment of the cremated remains of any body.	95

Reinterments shall be at burial rates.

Sale/transfer of deed back to the Town (Administration Fee)	10%

MONUMENTS

Monument Permit Fee	$ 15

BYLAW 1993-15

Schedule "D"

Updated as per Motion #2007-04-16-07

Plot Rates	$425.00
Monument Permit Fee	$15.00/$25.00
Opening and Closing (Town and Baptist)	
Vault	$400.00 Plus $200.00 in winter
Cremation	$125.00 plus $75.00 in winter

Opening and Closing (Winter Rate)	$200.00 (Vault)
	$75.00 (cremation)

<u>Dis-Interment & Interment</u>

Dis –Interment of body	$1000.00
Dis-Interment of Cremated Remains	$100.00
Re-Interment	$300.00

We would supervise, by locating the grave however it would be up to those wishing to do the dis-interment to hire a qualified contractor or funeral home.

7.3 M.D./Trochu Waste Disposal Site Agreement (Proposed)

94-77 VANDERKLEY/FRERE: Tabled until the next council meeting.CARRIED

7.4 Tagish Engineering, Letter Re: Cracked Pavement.
A bill in the amount of $85.00 has been received from Tagish Engineering concerning the one page letter received commenting on the cracks appearing in the paving overlay. It was councils opinion that this is a related matter to the contract in which Tagish Engineering was previously paid $30,000+/-. The administrator will contact Tagish Engineering by letter advising them that council feels that this bill should be withdrawn. If they will not withdraw the bill this municipality will discontinue association with Tagish Engineering.

8.0 NEW BUSINESS

8.1 1994 Capital and Operational Budget.

94-78 ASHCROFT/ VANDERKLEY: That the Capital and Operational Budget for 1994 be accepted as presented by the Finance Committee.CARRIED

8.2 By Law 92 - 05, Utility Rates Increase, Revision of Schedule A.

94-79 VANDERKLEY/ASHCROFT: Effective 94/03/21 the utility rates for the purchase of water will increase by Thirty Five (35) Cents per Thousand Gallons, or part there of, used which will increase the cost from $3.50 to $3.85 per thousand gallons:CARRIED

8.3 By Law 93 - 15, Cemetery, Revision of Schedule D.

94-80 VANDERKLEY/ASHCROFT: Effective 94/03/21 the following costs shall apply.
i) The cost of purchase for a single plot shall increase from $150.00 to $300.00
ii) The cost of purchase for a double plot shall increase from $300.00 to $600.00
iii) The cost of burial of the body of deceased person shall increase from $275.00 (base cost) to $300.00 (base cost):CARRIED

8.4 St. Anns Ranch Commemorative Event - July 1995
A letter was presented from Patrick Brunet-Moret, who is the curator of the Trochu Museum in France. Mr. Moret advises that a number of decedents of the original French Settlement Families are returning to Trochu to celebrate the 90 th. anniversary of the founding. Mr. Moret wishes to know if the council is considering some form of celibration.

94-81 ASHCROFT/LING: The council will approve one day of celibration relating to the visitors from France. Protocols and details to be worked out with Lorene Frere.CARRIED

8.5 Skyview Enterprises - Aerial Photographs.

94-82 DELANEY/LING: That the town purchase the photographs and negatives of the town for the cost of $245.03. CARRIED

8.6 Mrs. Fred Dyer, Claim for Damages.
See presentations 3.1.

94-83 VANDERKLEY/FRERE: This item be tabled until investigation can be done. CARRIED.

8.7 Trochu Chamber of commerce - Contribution toward Christmas Decorations.

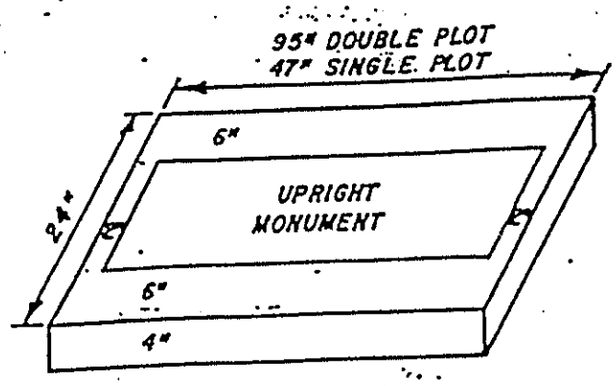
94-84 GAETZ/DELANEY:That he town contribute $227.10 toward the cost of the christmas decorations.CARRIED.

8.8 Trochu Minor Hockey Provincial Playoffs - Funding Request.

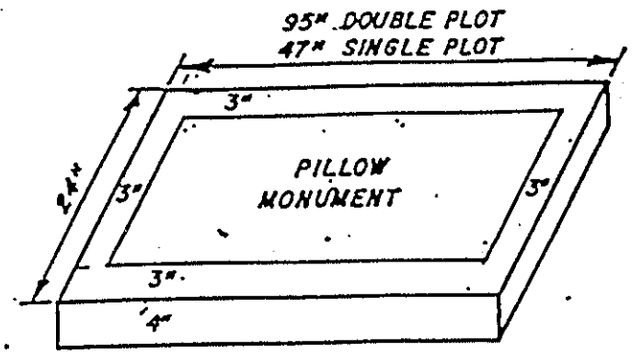
94-85 GAETZ/LING: That council donate a total of $200.00 and 120 Town of Trochu Pins.CARRIED

SCHEDULE C

Bylaw 1993-15



MINIMUM CONCRETE DEPTH - 4"



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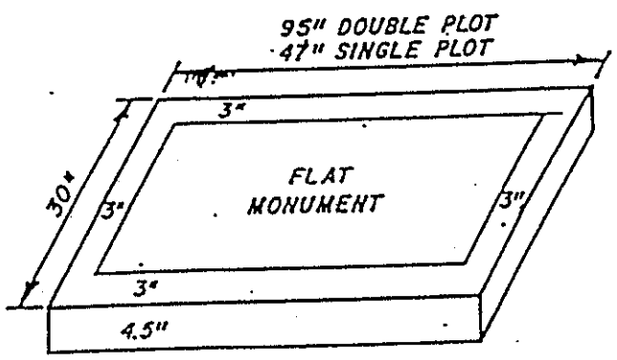
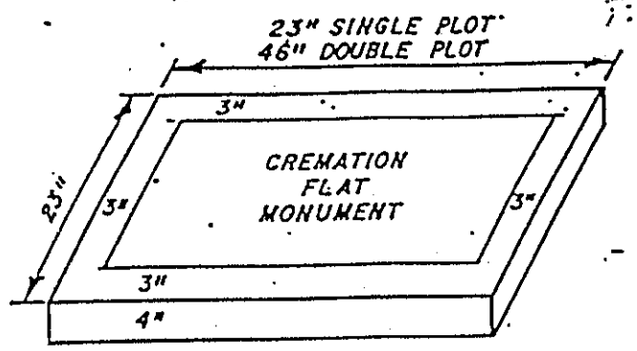
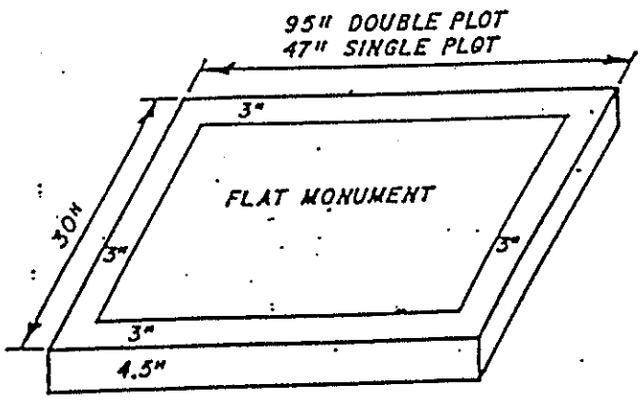


MINIMUM CONCRETE DEPTH- 4.5"



MINIMUM CONCRETE DEPTH - 4"



MINIMUM DEPTH UNDER
MONUMENTS - 2.5"

NOTE :ALL DIMENSIONS INDICATE MAXIMUM SPECIFICATIONS.

:ALL FOUNDATIONS ARE TO BE PRECAST OR POURED-IN-PLACE CONCRETE, EXCEPTING FOUNDATIONS FOR FLAT MARKERS WHICH MAY BE FROSTED GRANITE.

MONUMENT FOUNDATION SPECIFICATIONS

SCALE: N.T.S.	APP. BY: -	DRAWING NO.
DRAWN BY: C.E J.B.	DATE: FEB. 5/88	

Item 27 (cont'd)