



Town of Bowden
Box 338, 2101 20th Ave
Bowden, Alberta, T0M 0K0

Town of Bowden – Province of Alberta CEMETERY BYLAW 08 / 2024 (1st Reading of Council)

A Bylaw of the Town of Bowden, in the Province of Alberta, pursuant to provisions of the Municipal Government Act, being Chapter M-26 of the revised statutes of Alberta 2000 and amendments thereto, which provides that Council may pass bylaws for municipal purposes respecting the services provided by the municipality,

And whereas, Council deems it desirable to pass a bylaw to provide for the management, control and operation of the Bowden and District Cemetery,

And whereas the Town of Bowden is the registered owner of Lot 1, Block 1, Plan 9212659 known as the Bowden and District Cemetery,

And whereas the Province of Alberta has enacted a Cemeteries Act, RSA2000, Chapter E-3 which states that the owner of a cemetery shall keep the cemetery in the manner required by the regulations and in good order and repair,

Now therefore, the Municipal Council of the Town of Bowden hereby enacts as follows:

1 SHORT TITLE

This Bylaw may be known as, and cited as, the "Cemetery Bylaw".

2 PURPOSE

To operate and maintain a cemetery service and to provide for the management and control of the Bowden and District Cemetery in accordance with any relevant or applicable statutory enactment, regulation, or order, including but not limited to, the:

- i. Cemeteries Act, RSA2000, Chapter E-3
 - ii. Cemeteries Act General Regulation 249/1998
 - iii. Vital Statistics Act, RSA2000, Chapter V-4.1
 - iv. Burial of the Dead Act, RSA2000, Chapter B-8
 - v. Funeral Services Act, RSA2000, Chapter F-29
 - vi. Body of Deceased Persons Regulation 135/2008
 - vii. War Veterans Allowance Act
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3 DEFINITIONS

In this bylaw the following definitions apply:

Administration / Town Administration

Means the personnel (and other resources) that provide for the day-to-day operation and control of the municipality and who have responsibility to ensure that the policies and programs of the municipality are implemented.

Authorized Person

Means any person appointed to act on behalf of the CAO (including Designated Officers).

Burial

Means the placement of human remains or cremains in a grave plot.

Burial Permit

Is a legal document issued by the Registrar of Vital Statistics providing permission for burial.

CAO (Chief Administrative Officer)

Is the person appointed by Council into the position of Chief Administrative Officer for the Town of Bowden in accordance with the MGA and is the administrative head of the Municipality (and includes any authorized person given designated responsibilities by the CAO).

Cemetery

Means means land set apart or used as a place for the interment of human remains, and cremains, owned and operated and under the control of the Town of Bowden, registered as Lot 1, Block 1, Plan 9212659 and known as the Bowden and District Cemetery.

Cemetery Services

Means the supply of any service to be rendered at a cemetery in respect of any plot, headstone, grave marker, or monument and includes the supply of goods incidental to the provision of such service (eg, memory wall plaques).

Cemetery Supplies

Means burial vaults, headstones, grave liners, grave markers, monuments, or bases for use in a Cemetery.

Columbarium

Means an above ground structure of niches designed with receptacles for interring cremains.

Council

Means the duly elected Municipal Council of the Town of Bowden.

Cremains

Means the remains of dead human bodies that have been cremated.

Disposition

Means the burial or cremation of human remains authorized under the Cemeteries Act.

Disinterment

Means the unearthing (exhumation) of human remains from the ground.

Field of Honour

Means specific areas within the Cemetery reserved for the interment of Veterans.

Grave

Means a portion of ground in a cemetery, usually one plot, used or intended for the burial of human remains or for the burial of cremains.

Grave Liner

Means an approved receptacle made from non-decomposable material (concrete or fiberglass) placed in a grave into which a casket is placed during the burial process.

Human Remains

Means a dead human body in any stage of decomposition.

Interment

Means the final disposition of a human body in the Cemetery either by:

- i. burial of human remains,
- ii. burial of human cremated remains (cremains),
- iii. placing of human cremated remains (cremains) in a columbarium.

Monument

Means an approved structure erected, installed, or placed on a plot for memorial purposes, and which includes headstones, pillow markers, grave markers, columbarium plaques, installed in an approved / designated area for such items.

Municipality

Means the Town of Bowden.

Niche

Means a compartment within a columbarium.

Pillow Monument

Is an alternative to the traditional upright monument designed so that the back is higher than the front so creating a sloping face (made of granite or stone and engraved).

Plot

Means an interment space of either one grave or one columbarium niche.

Rates and Fees Bylaw

A bylaw passed by Council to allow Administration to set fees, rates, and charges for the provision of cemetery services.

Resident

Means a person who has resided within a Town address (post code T0M 0K0) or as determined at the discretion of the CAO (on a case-by-case basis, without setting any precedent).

Penalty

Means an amount payable in respect of offences in accordance with a bylaw.

Reserve Plot

Means a plot (or a number of plots) which have been reserved for interment.

Ribbon

Means a concrete surface marking the burial plots upon which a monument is permanently placed.

Right of Interment

Means a right, acquired by purchase, inheritance, or transfer, for the interment of human remains or cremains in either a grave plot or columbarium niche. This provides the rights holder with the right to say who can be interred in a burial plot or columbarium niche. In addition, this authorizes the installation of a monument or marker or plaque (in accordance with the provision of this bylaw).

Right of Interment Certificate

Means a document issued by the Town providing interment rights to a specific burial plot or columbarium niche and identifying the ownership of those rights.

Town

Means the municipal corporation of the Town of Bowden.

Urn Vault

Is a sealed outer receptacle made from non-decomposable material into which an urn of cremains is placed prior to and part of the burial process.

Vehicle

Means any device in, on or by which a person or thing may be transported or drawn, including, but not limited to, passenger cars, commercial vehicles, recreational vehicles, trailers, all-terrain vehicles, off highway vehicles, motorcycles, motor scooters, electric scooter, bicycles, and construction equipment (wheeled or tracked).

Veteran

Means any person who has served in His Majesty’s Armed Forces (Canadian or Commonwealth) or who has served as a regular member of the Royal Canadian Mounted Police and / or as otherwise defined by the Royal Canadian Legion or any other relevant enactment.

Words (interpretation)

- a) “may” is to be interpreted as permissive (allowed but not obligatory, optional).
- b) “must” is to be interpreted as imperative (obligatory, mandatory, required, unavoidable).
- c) “shall” is to be interpreted as “must”.
- d) “should” is to be interpreted as a recommended (desirable, not required to conform).
- e) “including but not limited to” means when listing a number of items, does not limit the bylaw term to only those words or those items listed.

4 GENERAL DUTIES, RIGHTS & POWERS

4.1 Governing Bodies

Council is the governing body of the Bowden & District Cemetery, established under the requirement of the Province of Alberta Cemeteries Act, Revised Statutes of Alberta 2000 Chapter C3.

The Bowden & District Cemetery Association is established in accordance with Section 145 of the Municipal Government Act, RSA2000, Chapter M-26 that states that a Council may pass bylaws in relation to the establishment and functions of council committees and other bodies.

4.2 Bowden & District Cemetery Association

The Bowden & District Cemetery Association is an advisory body whose purpose is to assist and oversee the care and administration of the Cemetery. The purpose of the association as defined within the Town of Bowden Council Committee Bylaw (06 / 2023) is as follows:

- i. ensure that the future operation of the Cemetery is controlled, managed, and maintained through a program of perpetual care (preservation, improvement, embellishment, and maintenance),

- ii. ensure that Cemetery care funds are received, spent, and audited in a proper manner,
- iii. ensure that Cemetery services are conducted in accordance with any statutory or regulatory requirements including, but not limited to; the Cemeteries Act, the Burial of the Dead Act, and the Vital Statistics Act (as amended over time),
- iv. liaise with the CAO in order to ensure that the day-to-day operation of the cemetery is conducted in accordance with the requirements of the Town of Bowden Cemetery Bylaw (as amended over time) including but not limited to, cemetery services, cemetery supplies and maintenance and record keeping obligations,
- v. liaise and communicate with residents and community groups regarding any programs or initiatives concerning the operation, management, control, of the Cemetery or any revisions to services or fees.

4.3 Responsibilities of the CAO

4.3.1

The CAO has the responsibility for the day-to-day operation of the Cemetery and cemetery services in accordance with:

- i. Provincial statutes, regulations, and codes,
- ii. this bylaw and any other applicable Town bylaw, policy, or enactment,
- iii. the direction of Council.

4.3.2

Without limitation, the CAO is empowered to:

- i. maintain records and plans of all interments and disinterment's at the Town Administration Office,
- ii. collect fees for the sale of cemetery services & supplies and maintain accurate financial records of all sale transactions,
- iii. grant approvals and permissions as needs, situation or circumstance requires.

4.3.3

The CAO may delegate powers to other authorized persons, organizations, contractors, inspectors, or employees of the Town as deemed appropriate.

4.4 Responsibilities of the Town

4.4.1

The Town is obligated under the Cemeteries Act to ensure that:

- i. the cemetery and any required fences, walks and entrances to the cemetery are kept in a good state of repair,
- ii. no offence is committed in the operation of the cemetery, and,
- iii. no public health nuisance arises from the operation of the cemetery.

4.4.2

The Town reserves the right to:

- i. limit the number of developed plots,
- ii. direct the area and sequencing of development,
- iii. sell plots according to a specific plot plan or desired sequence.

4.4.3 Limit of Liability

The Town will take all reasonable precautions to protect property within the Cemetery but assumes no responsibility for:

- i. loss or damage from causes beyond its control (weather, elements, acts of God),
- ii. loss due to third party damage, theft, vandalism, or deliberate destruction,
- iii. accidental damage,
- iv. damage to, any monument, or any item placed on, or around, or in a plot,
- v. injury to any person who enters the cemetery.

Where the Town has an obligation under statute for perpetual care of the Cemetery this does not extend to monuments including the maintenance and upkeep of decorations.

4.4.4 Right of Appeal

Any person who considers themselves to be aggrieved by a decision of the Town or the CAO made under this bylaw, may appeal the decision to Council, in accordance with the procedures outlined in the Council Procedural Bylaw section titled, "Delegations and Requests to Council" providing that the appeal is made in writing within 30 days of the date of the decision.

Council will attempt to make a decision on any appeal within 30 days of its receipt.

Council's decision in respect of an appeal will be final and binding.

5 RIGHT OF INTERMENT

5.1.1

A burial plot cannot be used for any other purpose than for the interment of human remains or cremains.

5.1.2

A columbarium niche cannot be used for any other purpose than for the interment of cremains.

5.1.3

Payment of all relevant fees must be made in full prior to the issue of a Right of Interment Certificate.

5.1.4

Upon payment of the fee for the Right of Interment, the Town shall provide a receipt for the purchase of the plot and provide a Right of Interment Certificate to that person, or to that person's appointed representative.

5.1.5

The granting of interment rights does not transfer ownership of the land but provides the holder of the Right of Interment to intern human remains within an assigned plot subject to the provisions of this bylaw or any other relevant Provincial Act or enactment.

The land and its vested title remain the property of the Town.

5.1.6

The Right of Interment Certificate names the Interment Rights Holder(s). The Rights Holder has the legal right to determine who can be interned in the assigned plot.

The Right of Interment in a Field of Honour must however satisfy the requisite criteria of who can be interned in a Field of Honour.

5.1.7

The Interment Rights Holder must provide all of the required legal documentation, complete all of the required Town forms and pay all of the required Town fees prior to interment.

5.1.8

If the Interment Rights Holder dies, the Rights of Interment are considered an asset of the estate and as such are distributed to the beneficiaries of the deceased's estate. The Rights of Interment must then be re-registered at the Town Administration Office in the new owner's name for the transfer to be completed and revalidated.

5.1.9

The purchaser of a Right of Interment may cancel a purchase without penalty within 30 days of the agreement providing the plot has not been used and subject to any administration fee that may be levied at the discretion of the CAO in respect of any time taken to retrieve copy documentation or to deal with the cancellation request.

5.1.10

The Interment Rights Holder may not sell, trade, or transfer the interment rights without re-registration to another Rights Holder at the Town Administration Office (subject to any fee as established in the Rates and Fees Bylaw).

5.1.11

If a Right of Interment is surrendered to the Town, the original certificate of Right of Interment must be returned to the Town (or proof of purchase).

If proof of Right of Interment cannot be made (or found) then a letter of request should be submitted to the CAO.

An administration fee may be levied at the discretion of the CAO in respect of any time taken to retrieve copy documentation or to deal with the surrender request.

5.1.12

If a Right of Interment purchased preneed is deemed unusable, for any reason by the Town, then the Town will supply a similar plot at no additional cost to the Rights Holder (or their heirs) and the original plot shall revert to back to full Town ownership and control.

5.1.13

Plots cannot be subdivided or altered in any manner in violation of this bylaw, Town cemetery plans and any other Act, Regulation, order, or enactment unless authorized by the CAO or Council.

6 INTERMENT and DISINTERMENT

6.1 Authority

All interments are conducted under the control and authority of the CAO.

Only persons acting under the direct authority of the CAO are permitted to open or close any plot for the purpose of interring human remains or cremains.

All interments in a grave plot will be in the new cemetery area (Blocks 2 to 19 south of the Columbarium) with the exception of those Rights of Internment in effect that exist for Blocks A to K.

6.2 Notice

Between the dates of May 1 and October 31, all applications for full burials or interment of cremains in a grave shall be made to the Town at least 4 days before the date & time for interment.

Between the dates of November 1 and April 30 (winter months), all applications for full burials or interment of cremains in a grave shall be made to the Town at least 7 days before the time of interment.

Applications for interment on a Saturday, Sunday or Statutory Holiday must be placed with the Town office at least 7 days before the date of interment. Interment on either a Sunday or Statutory Holiday is at the discretion of the CAO.

Applications for interment in a columbarium niche require 3 days' notice.

The required notice periods may be relaxed at the discretion of the CAO dependent upon circumstance.

6.3 Burial Permits for Interment

6.3.1

Disposition / Internment (of a person who dies in Alberta) is not permitted in the Cemetery unless a valid Burial Permit is provided to the Town issued on behalf of the Alberta Government Registrar of Vital Statistics.

Where a Right of Interment was purchased preneed, the Certificate of the Right of Interment issued by the Town must also be produced.

Funeral Homes are not exempt from these requirements.

6.3.2

Disposition of human remains, of a person who dies outside of Alberta, is not permitted in the Cemetery unless a valid Burial Permit or any other document that is prescribed under the law of the jurisdiction in which the death occurred, certifying the death, and thereafter providing authority / permission for a burial / cremation, is provided to the Town.

6.3.3

The Town will make provision for the interment of unclaimed deceased persons and the interment of indigent persons in a specific plot as designated by the CAO.

6.4 Disinterment

Disinterment of human remains from a burial plot will not take place until a Disinterment Permit issued by the Alberta Government Registrar of Vital Statistics is provided to the Town.

Disinterment cannot take place until the CAO is satisfied that all regulatory requirements have been satisfied, all permits & certificates obtained, and fees paid.

Disinterment procedures must be followed in accordance with the requirement of any Act, Regulation, order, enactment or ruling of the CAO.

6.4 Reinterment

Reinterment of either a body or ashes will not take place until a Reinterment Permit issued by the Alberta Government Registrar of Vital Statistics is provided to the Town.

Reinterment procedures must be followed in accordance with the requirement of any Act, Regulation order, enactment or ruling of the CAO.

6.5 Columbarium.

Nothing in the bylaw restricts the removal of cremains from a columbarium niche subject to an application made to the Town and written permission being obtained from the CAO.

7 PLOTS (Full Burial of a Casket)

7.1

All full burials are to be made within the confines of a single plot limited to:

- i. one adult body in one casket (double depth burials are not permitted),
- ii. one adult and one child under the age of five years in one casket,
- iii. two children under the age of five years in one casket.

Exceptions to this may be made in special cases at the discretion of the CAO (in writing).

7.2

An approved grave liner is required for all burials of human remains.

7.3

Grave liners placed in a burial lot must be at a depth sufficient that the highest point of the grave liner is a minimum of 1.83 metres (6 feet) below the surface of the ground.

7.4

A full burial cannot be made in a plot that already has been used for the interment of cremains.

8 PLOTS - Burial of Urn Vaults Containing Cremains

8.1

Urns of cremains must be enclosed in an approved urn vault (made from non-decomposable material) which must not exceed 40 cm by 40cm (16 inches) in size.

8.2

Urn vaults placed in a burial lot must be at a depth sufficient that the highest point of the urn vault is a minimum of 61cm (2 feet) below the surface of the ground.

8.3

A maximum number of four (4) urn vaults may be placed in a grave plot.

8.4

An urn vault(s) may be placed above an occupied grave (containing a casket) in accordance with the requirements of any enactment or order.

8.5

The placement of an urn vault in a grave will be according to a specific plot plan or direction or instruction designated by the Town (a plot plan for urns typically consists of 4 quadrants).

8.6

The position of buried urn vaults must be marked by permanent means of a lawn-level marker placed directly above the urn vault. This must occur within one year of the burial.

9 PLOTS (Columbarium Niches)

9.1

The sale of columbarium niches will be according to availability and will be sold on a first come first served basis and in accordance with a specific plot plan or desired sequence determined by the Town.

9.2

A maximum number of two (2) urns may be placed in a columbarium niche.

9.3

An approved plaque may be purchased (subject to any fees stated in the Rates & Fees Bylaw) for installation on a Columbarium.

9.4

An approved memory wall plaque may be purchased (subject to any fees stated in the Rates & Fees Bylaw) for installation on a Columbarium side wall.

9.5

All columbarium wall plaques must be installed in accordance with any specific specification, installation plan, installation method, or desired sequence as determined by the Town.

10 CARE OF PLOTS & MONUMENTS

10.1

The Town is the provider of general care and maintenance of the Cemetery grounds.

10.2

After an interment, the Town will conduct basic maintenance on the plot in order to maintain safety or appearance including covering a plot with loam and grass seed.

10.3

All flowers, funeral designs or floral pieces placed during a funeral service shall be removed from burial plots within thirty days (30) after interment by the owner of the Right of Interment or their agent.

After thirty (30) days, the CAO may authorize the removal of such items without notice or permission.

10.4

The CAO has authority to remove any non-approved or unauthorized items, decorative installations, and structures that either impede the maintenance of, or the safety of, the Cemetery or are deemed not to be in the keeping and general appearance of the Cemetery.

10.5

Plots must be maintained in accordance with any policies, regulations or orders made by the Town.

10.6

The columbarium, including all of the individual niches and the memory walls cannot be decorated in any manner other than the installation of an approved plaque.

10.7

No person shall plant woody ornamentals or flowering plants anywhere in the Cemetery without the written permission of the CAO.

10.8

Approved woody ornamentals or flowering plants, donated in memory of a deceased person, can only be planted by Town employees in a place designated by the CAO.

10.9

The Town may conduct plot repairs and maintenance if the Town is unable to locate any family member to obtain prior authorization.

10.10

No person (other than the Town or an Authorized Person) shall disturb or remove or replace any structure, maintenance equipment, monument, decorative structure, ornamental flower, shrub, tree, mulch, sod, or soil from anywhere in the Cemetery without prior written approval of the CAO.

10.11

The CAO has the authority to remove all monuments, decorative structures, ornamental flowers, shrubs, trees, memorabilia, tributes, markers, plaques, placards, or other decorative items from anywhere within the Cemetery as soon as they become wilted, unsightly, or are deemed detrimental to regular

maintenance, free (unobstructed) use, safety, or if deemed to be unsuitable to the general appearance of the Cemetery.

10.12

The CAO may conduct, at any time, a cleaning program to remove all monuments, decorative structures, ornamental flowers, shrubs, trees, memorabilia, tributes, markers, plaques, placards, or other decorative items if they become wilted, unsightly, or are deemed detrimental to regular maintenance, free (unobstructed) use, safety, or if deemed to be unsuitable to the general appearance of the Cemetery.

Notification and prior notice of the cleaning program will be made via the Town's website, the Town Newsletter, and other available social media channels.

11 MONUMENTS AND PLOT INSTALLATIONS

11.1

All persons (contractors) employed in the construction and erection of monuments or conducting other work in the Cemetery are subject to:

- i. any applicable Act, Regulation, or enactment,
- ii. this bylaw and any other applicable Town policy or regulation,
- iii. the direction and control of the CAO.

11.2

No marker or monument can be installed unless otherwise first approved (both the design and the inscription) and authorized by the CAO.

Headstone monument companies must contact the Town to ensure the correct plot position to avoid any error.

It is the family's responsibility to ensure that the installation, placement and inscription of the monument is correct. The Town is not responsible for any errors in the inscription or placement of monuments.

11.3

The CAO has the authority to not allow work to be conducted during weekend or holidays or any other time as deemed necessary according to circumstance.

11.4

All persons (contractors) conducting work shall ensure that surrounding areas are left in the same condition as found. The cost of any rework or remedial repair to any damage caused is the responsibility of that person (contractor).

11.5

Where a ribbon is available, the headstone or pillow monument must be placed upon the ribbon at the head of a plot.

11.6

Grave covers are prohibited except those currently in existence. Burial plots must not be covered by any slab, gravel, concrete, stone, or other material unless approved in writing by the CAO.

11.7

No more than one monument and up to four flat markers may be installed or placed on any one plot.

11.8

Monuments installed on concrete base structures (ribbons) must meet the following requirements:

- i. monuments shall be constructed of granite, marble, or bronze (or other approved material),
- ii. cairn or boulder monuments, or monuments constructed of other non-decomposable materials may be permitted upon application and prior written approval from the CAO,
- iii. monuments must be installed so as to have a 5 to 10 cm (2 to 3 inches) clearance from the edge of the ribbon and the boundaries of the lot so as not to infringe on neighbouring plots,
- iv. flat markers must be mounted flush with the surface of the ground and must not exceed 51cm (20 inches) by 51cm (20 inches).

11.9

The following provisions apply to areas within the Cemetery where no concrete base structure (ribbon) has been installed or will be installed:

- i. a concrete monument foundation extending 13 cm (6 inches) on each side of the monument not less than 13 cm. (6 inches) in depth and being at the level of ground adjoining the grave plot must be installed,
- ii. monuments must be installed so as to have a 5 to 10 cm (2 to 3 inches) clearance from the boundaries of the plot so as not to infringe on neighbouring plots,
- iii. monuments must be placed on a portion of the plot undisturbed by previous excavation and must be in line with the keeping and appearance of other monuments in that section of the Cemetery.

11.10

Upright monuments should be in accordance with the following recommended dimensions:

- 48 inches in height,
- 18 inches in depth,
- 48 inches in width.

Any variance to these dimensions is at the discretion of the CAO (written permission is required).

11.11

Pillow monuments should be in accordance with the following recommended dimensions:

- 12 inches in height,
- 18 inches in depth,
- 48 inches in width.

Any variance to these dimensions is at the discretion of the CAO. (written permission is required).

11.12

All persons (contractors) erecting monuments shall ensure that such monuments are firmly secured to the foundation, whether such foundation is installed for that specific purpose, or is the concrete base (ribbon) provided. The foundation must be adequate to carry the weight of the monument.

11.13

Foot markers, or perimeter markers other than those installed at grade level, are prohibited except those currently in existence.

11.14

All monuments must be in keeping with the appearance or character of the Cemetery. The Town has the right to refuse placement of any monument, anywhere in the Cemetery, which does not conform to this bylaw or if it is deemed by the Town not to be appropriate or acceptable in any way (section 11.2 of this bylaw applies).

11.15

Any structure, monument, marker, plaque, or placard (or inscription thereon) that is deemed to be offensive, improper, or injurious to the appearance of surrounding plots or that of the Cemetery as a whole will be removed at the owners' expense.

If the owner cannot be directly contacted and notified, then the CAO is empowered to have the offending item removed without the owner's permission.

11.16

Whenever any structure, monument, marker, placard, or plaque is removed, replaced, or repaired prior written permission from the CAO must be first obtained.

12 GENERAL RULES (VISITORS & VEHICLES)

12.1

No person shall visit or remain in the Cemetery other than during the daylight hours of dawn to dusk.

Gatherings of persons may not take place other than a funeral or ceremony unless permitted by prior written approval of the CAO.

12.2

Visitors to the cemetery should contain themselves within the designated public areas, paths, and roads.

12.3

No person shall disturb the quiet and good order of the Cemetery by noise or other improper conduct.

12.4

No person shall destroy, damage, deface, write upon, or move any monument or other structure or object in the Cemetery.

12.5

No person shall deposit any litter or waste except in receptacles provided for that purpose.

12.6

No person shall deposit any item made of glass (either fully or in part), including but not limited to, a wreath, stand, holder, vase, pot, receptacle, jar, within any area of the Cemetery.

12.7

No person shall install a border, wall, curb, or hedge in or around any burial plot or place or construct any item of any kind which the CAO and / or the Bowden & District Cemetery Association deem to be unsightly, unsuitable, or not in the general keeping and appearance of the Cemetery.

12.8

Animals are not allowed in the Cemetery, except for registered service dogs.

12.9

Firearms are not allowed in the Cemetery at any time except unless prior permission and written authority is provided by the CAO.

12.10

Vehicles in the cemetery must keep to the designated roadways. There is a small, designated vehicle parking area in the cemetery. Vehicles must not park in any other part of the Cemetery including the Memorial Tree Park. (with the exception of Town vehicles and approved contractors' vehicles used in the performance of care and maintenance work).

12.11

The Town may prohibit the driving of any type of vehicle in the Cemetery when the roadways are in an unfit condition.

The Town may prohibit the driving of any type of vehicle in any part of, or all of, the Cemetery as deemed necessary according to circumstance.

12.12

The maximum permitted speed of any vehicle in the Cemetery is 15 km per hour.

12.13

No person is permitted to ride a snowmobile, all-terrain vehicle, or horse in the cemetery unless prior written approval has been obtained from the CAO.

Drivers of vehicles with trailers, heavy vehicles, or vehicles with limited maneuverability in confined spaces are required to seek prior permission from the CAO prior to entering the Cemetery.

12.14

Persons in control of any vehicle are responsible for any damage made whilst under control of that vehicle particularly if negligent in respect of:

- i. any general prohibitions,
- ii. any specific prohibitions,
- iii. not first obtaining the required permission,

which may as a result lead to the issue of a penalty.

12.15

Children must be supervised by an adult at all times.

12.16

No person is permitted to play outdoor games or sports in the Cemetery.

12.17

Cremains cannot be scattered anywhere within the Cemetery.

13 FIELD OF HONOUR

13.1

The Town shall set aside an area (or areas) known as the Field of Honour which shall be reserved for the burial of Veterans.

13.2

Prior to interment in a Field of Honour (or granting of a Right of Interment) the Town must be satisfied that sufficient proof has been provided regarding the deceased / applicants' military service and which satisfies the definition of a Veteran.

13.3

Veterans (and spouses) may pre-purchase (reserve) a plot in the Field of Honour however they cannot preselect a specific plot.

13.4

A plot in a Field of Honour may contain either:

- i. a single casket (within a grave liner),
- ii. a casket and a single urn vault,
- iii. two urn vaults.

13.5

A spouse may only be interred after the Veteran has first been interred (unless otherwise approved in writing by the CAO).

13.6

Headstones or markers placed on a plot in a Field of Honour must be consistent with:

- i. specifications approved by Veterans Affairs Canada,
- ii. any existing type of headstone or marker,
- iii. or any design approved by the Bowden & District Cemetery Association.

Written approval is required from the CAO prior to the installation of any headstone or marker in a Field of Honour.

The provision of funeral and burial assistance (including fees) is subject to satisfying the qualification criteria of Veterans Affairs Canada and is not the responsibility of the Town.

13.7

A spouse of a Veteran may have his / her name inscribed on a headstone subject to any rules or regulations set by Veterans Affairs Canada.

13.8

Veterans' headstones and grave markers provided by the Government of Canada may be cleaned, restored, or replaced by Veterans Affairs Canada without gaining prior permission from the family.

13.9

The National Flag of Canada (in the Field of Honour) will be lowered to half-mast in accordance with the manner outlined by the Government of Canada during the national period of Remembrance.

The National Flag of Canada will be lowered to half-mast at the discretion of the CAO during a period of official mourning or commemoration (either Provincial or Federal).

14 MEMORIAL TREE PARK

14.1

An area of the Cemetery shall be reserved as a designated memorial tree park for the planting of memorial trees and the placement of memorial benches or memorial monuments.

14.2

Remains must not be interred in the memorial tree park.

14.3

Trees, memorial benches, or other structures cannot be planted or placed in the memorial tree park until prior written permission has been received from the CAO or the Bowden & District Cemetery Association.

The type of tree or structure allowed may be specific as determined by the CAO or the Bowden & District Cemetery Association in accordance with any plan or design specification or existing landscape feature.

14.4

Memorabilia, tributes, markers, or other items are not permitted to be placed either around the base of the trees in the memorial tree park or on the trees themselves unless authorized by the CAO in writing.

14.5

The Town reserves the right to remove, at any time, without permission, any unauthorized memorabilia, tributes, markers, plaques, placards, or other decorative items.

15 RATES, FEES & BILLINGS

15.1 Authority of Council

Council will set cemetery service fees as set out in the Rates & Fees Bylaw for the following:

- i. sales of burial plots,
- ii. sales of columbarium niches & columbarium plaques,
- iii. opening and closing of all burial plots and columbarium niches,
- iv. reopening of columbarium niches,
- v. disinterment / reinterment.

15.2

Additional charges in respect of burials carried out on Saturday, Sunday, or Statutory Holidays may be applied as set out in the Rates & Fees Bylaw.

15.3

Additional charges in respect of burials carried out after 3:30 pm on weekdays may be applied as set out in the Rates & Fees Bylaw.

15.4

Additional charges in respect of burials carried out in frost conditions or the winter months may be applied as set out in the Rates & Fees Bylaw.

15.5

Where specific rates are not established (in the Rates & Fees Bylaw) for any particular service, the CAO may establish and levy charges for other work or general duties performed by Town employees, contractors, or caretakers.

16 APPLICABILITY

16.1

This bylaw applies to all persons, visitors, or purchasers of plots within the Cemetery.

16.2

No person shall obstruct, hinder, or interfere with any person while exercising or performing their duties or powers pursuant to the provisions of this bylaw, or any other enactment.

16.3

Exceptions (either permanent or temporary) to any provision within this bylaw:

- i. are at the discretion of the CAO, due to special circumstances, arrangements or need,
- ii. are as stated in this bylaw,
- iii. may apply to any Designated Officer or person acting under authority, or agreement or in the normal course of their official duties.

16.4

Any person who contravenes any provision of this bylaw, by negligence, or by doing any act or thing which is prohibited, or by failing to do any act or thing that is required, is guilty of an offence in accordance with this bylaw or any other relevant statutory enactment.

16.5 Proof of Exception

In cases where a person alleges that an exception to the provisions of this bylaw applies, the burden of proof remains with that person, on a balance of probability.

16.6

Nothing in this bylaw (either by inclusion or omission) exempts any person from any statutory enactment, requirement or Ministerial Order including, but not limited to, the:

- i. Cemeteries Act,
- ii. Cemeteries Regulation,
- iii. Burial of the Dead Act,
- iv. Vital Statistics Act,
- v. any other applicable or relevant statute or Town bylaw, order, or policy.

16.7

All references in this bylaw to an act, statute, regulation, or other bylaw refer to the current version of that enactment, as amended or replaced from time to time including all successor legislation.

17 SEVERABILITY

Every provision of this bylaw is independent of all other provisions. If any provision of this bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this bylaw shall remain valid and enforceable.

Nothing in this bylaw relieves a person from complying with any provision of any Federal, Provincial or Municipal law or regulation or enactment or any requirement of any lawful permit, order, or licence.

18 BYLAW PRECEDENCE

This bylaw supersedes and takes precedence over all previously passed bylaws that make reference to:

- i. cemetery services provided by the Town,
- ii. the authority of the CAO with regard to cemetery services,
- iii. the management, control, and operation of the Cemetery.

Bylaw **09 / 2020** and all amendments thereto are hereby repealed.

This bylaw will come into effect on the final day of passing and signature thereof.

Schedules attached to this Bylaw:

Schedule A Penalties

Read a first time in open council this 9th day of September 2024,

Read a second time in open council this ** day of *** 2024,**

and finally passed by unanimous consent of the Councillors present.

Read a third time in open council this ** day of *** 2024.**

Robb Stuart, Mayor

Arno Glover, Chief Administrative Officer

Cemetery Bylaw SCHEDULE A Penalties

A1

Any contravention of any provision of this bylaw may be enforced by the provisions contained within the Municipal Government Act (Division 4, Enforcement of Municipal Law), the Provincial Offences Procedures Act, R.S.A. 2000 Chapter P-24 or any other Provincial or Federal enactment or order where valid and enforceable.

A2

Any person who:

- i. contravenes a provision of this bylaw is guilty of an offence,
- ii. fails to do any act or thing a person is required to do, is guilty of an offence.

A3

This may lead to the issue of:

- i. a verbal or written warning,
- ii. a violation ticket for a specific penalty for the contravention of a provision contained within any Town of Bowden bylaw in accordance with the Provincial Offences Procedures Act,
- iii. an unspecified penalty the amount of which will be determined and applied at the discretion of the CAO dependent upon the context, nature, and severity of the offence of a variable amount of not less than \$250.00 up to a maximum of \$10000.00 for any general contravention of this bylaw, as either a penalty fee and / or for compensation for damages or the recovery of costs.
- iv. the issue of a Remedial Order to remedy the infraction in accordance with section 545 and 546 of the Municipal Government Act
- v. any or all of i) to iv) above.

A4

This bylaw is enforceable by the CAO or an Authorized Officer or a Designated Officer of the Town.

A5 Specific Penalties

Bylaw Reference	1 st offence	repeat offence(s)
Section 12.8 Dogs	\$300.00	\$500.00

A6

All persons must rectify the circumstances which give rise to an offence within the stipulated time period. Any continuance thereafter shall be deemed to be a new (subsequent) offence incurring further additional penalties.

A7 Non-Specific Penalties

Any person who contravenes any provision of this Bylaw (other than those specific penalty(s) listed in A5 above) will be subject to an unspecified penalty (as stated in term A3 iii) the actual amount of which will be determined and applied at the discretion of the CAO dependent upon the context, nature, and severity of the offence.

A8

All persons are responsible for costs associated with the implementation of any measures taken, or are required to be taken, by the Town (or any other regulatory body) to meet the requirements of this Bylaw, or for any,

- i. remedial action,
- ii. repair to property,
- iii. recovery of costs.

A9

Any penalty issued under this bylaw does not affect or remove in full or part any liability for damages that may arise under a civil action brought to Court in relation to an offence committed under this Bylaw or any other enactment.