

**TOWN OF BON ACCORD
BYLAW 2025-07
CEMETERY BYLAW**

A BYLAW OF THE TOWN OF BON ACCORD, IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR THE CONTROL AND REGULATION OF THE TOWN OF BON ACCORD MUNICIPAL CEMETERY.

WHEREAS, pursuant to the *Cemeteries Act*, R.S.A 2000 c. C-3, as amended and the regulations thereunder, a municipality may own and operate a cemetery within its boundaries;

AND WHEREAS the *Municipal Government Act*, R.S.A. 2000, c.M-26, as amended, empowers a municipal Council to pass bylaws for municipal purposes in relation to the safety, health, and welfare of people and the protection of people and property; people, activities, and things in, on, or near a public place or place that is open to the public; services provided by or on behalf of the municipality, and nuisances including unsightly property;

AND WHEREAS, the municipal Council wishes to establish a bylaw respecting the operation of the Cemetery;

NOW, THEREFORE, the Council of the Town of Bon Accord duly assembled hereby ENACTS AS FOLLOWS:

1. TITLE

- a. This Bylaw may be referred to as the "Cemetery Bylaw."

2. DEFINITIONS

- a. **"Burial Deed"** shall mean a legal document by which the Town conveys a Cemetery Grave Plot or Niche for Interment, which shows the name of the Purchaser, date of purchase, amount of sale, and the Plot or Niche designation.
- b. **"Burial Permit"** means a permit to bury, cremate, remove to a place outside Alberta or otherwise dispose of a deceased human body. Issued under the Vital Statistics Act, R.S.A. 2007, c. V-4/1, as amended, by the Director of Vital Statistics.
- c. **"Cemetery"** means land that is set apart or used as a place for the burial of dead human bodies or other human remains or in which dead human bodies or other human remains are buried.
- d. **Chief Administrative Officer" or "CAO"** means a person appointed to a position under S.205 of the Municipal Government Act. Also known as the Town Manager.
- e. **"Columbaria" or "Columbarium"** means a structure erected in a Cemetery designed for storing funeral urns.

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- f. **“Cremation Plot”** shall mean a Grave used for the Interment of cremated human remains.
- g. **“Disinterment”** means the removal of human remains, including cremated remains, from a closed Grave or sealed Niche.
- h. “Double Grave Marker” or double headstone means a memorial or marker designed to commemorate two individuals buried side-by-side in a shared plot.
- i. **“Employee”** means an Employee of the Town of Bon Accord.
- j. **“Family Plot”** means a Grave Plot, Cremation Plot, or several Plots that lie adjacent to one another and are to be reserved for the burial of more than one deceased family member.
- k. **“Foundation”** shall mean a concrete or granite slab of specific proportions for placing a Marker.
- l. **“Grave”** means a burial place for a deceased body or cremated remains, typically a hole dug in the ground.
- m. **“Grave Decoration”** shall mean anything that is placed on a Grave Plot or Columbarium Niche for Memorial purposes and does not include Memorial Plaques and/or Markers.
- n. **“Grave Liner”** means a burial receptacle placed in the ground at the Cemetery, either in dome or box form, designed and built to support the weight of the earth and standard Cemetery maintenance equipment and to prevent the ground from collapsing.
- o. **“Grave Plot”** means the portion of the land in the Cemetery designated for the Interment or Inurnment of human remains.
- p. **“Interment”** means the casket burial in a Grave Plot.
- q. **“Inurnment”** means the burial of an urn in an in-ground Grave Plot or a Columbarium Niche.
- r. **“Marker”** means a Monument of approved materials such as but not limited to granite, marble, or bronze.
- s. **“Memorial”** means something, typically a structure, such as a bench or statue, established to remind people of a person or event.
- t. **“Monument”** means a headstone or Marker.

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- u. **“Niche”** means a recessed space in a Columbarium used or intended to be used for the inurnment of cremated remains.
- v. **“Owner”** shall mean a person or persons who purchase a Grave Plot, Plot, Cremation Plot, or compartment or compartments of a Columbarium in the Cemetery.
- w. **“Peace Officer”** means a member of the Royal Canadian Mounted Police (RCMP), a Community Peace Officer appointed by the Town, or a Bylaw Enforcement Officer appointed to enforce the Town’s Bylaws.
- x. **“Public Works”** means the Department of Public Works, including Parks and Recreation, of the Town of Bon Accord.
- y. **“Plots” or “Plot”** means either a single, or multiple, Grave Plots, Cremation Plots or a Family Plot.
- z. **“Town”** means the Town of Bon Accord, or where context permits, the geographic boundaries of the Town.
- aa. **“Vegetation”** shall mean trees, shrubs, creepers, climbers, perennials, biennials, or other growing or flowering matter.

3. RESPONSIBILITIES AND DELEGATION

- a. Council hereby delegates to the Chief Administrative Officer all those powers stipulated by this Bylaw to be exercised by the Town and all necessary authority to carry out these powers, except those powers which are reserved exclusively for Council under the Municipal Government Act or reserved for other Persons pursuant to the provisions of this Bylaw. The Chief Administrative Officer is authorized to further delegate the powers granted by this Section.

4. ADMINISTRATION

- a. The Town of Bon Accord shall be responsible for the selling of Plots and the keeping of all necessary records, which shall include the location, the name of the proprietor of each Plot or Niche, the name and location of each and every Interment and Disinterment, and the collecting of fees and charges in connection with the Cemetery.
- b. All fees and charges in connection with the sale, use and care of Plots and/or other facilities which are or may in the future be offered in connection with the Cemetery operation shall be in accordance with Schedule “A” attached to and forming part of the Bylaw, or as may be amended from time to time by Council.
- c. The Town shall have sole control of all matters related to the Cemetery, including maintenance, burials, and enforcement of this Bylaw.

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- d. Any person acquiring a Plot or Plots or Columbarium Niche or Niches under the provisions of the Bylaw shall only acquire the right and privilege of burial of the remains of the deceased therein subject to the provisions of this Bylaw and shall not be deemed to acquire any title to the land which shall remain vested in the name of the Town.
- e. The Town shall take all reasonable precautions to protect the property rights of the Owners within the Cemetery from loss or damage, but the Town distinctly disclaims all responsibility or liability for loss or damage from causes beyond its control and especially from damage caused by elements, of an act of God, thieves, vandals, strikers, malicious mischief, makers, explosion, unavoidable accidents, invasions, insurrections, riots, or an act of war.

5. PLOTS

- a. The plans for subdivision of lands made available by the Town for use as a Cemetery shall be kept on record at the Town office, together with all subsequent plans for subdivision of such other lands approved by the Town for use as a Cemetery, which shall be the plans of the Cemetery herein referred to and all Interments shall be made, and records kept by the Town in accordance with such plans of subdivision. Copies of all such plans of subdivision shall be available for inspection free of charge at the Town office during normal office hours.
- b. The Town shall issue a Burial Deed to each purchaser of a Grave Plot, Plots, or Columbarium Niche and will be responsible for collecting all fees per Schedule A.
 - i. The Burial Deed shall include the following information:
 1. The full legal name of the purchaser(s).
 2. Purchasers' contact information.
 3. Physical and mailing address.
 4. Date of purchase.
 5. Amount of the sale and terms of payment.
 6. Location of Plots/Niche.
- c. Plots and Niches in the cemetery shall be sold by the Town upon the Purchaser paying in advance the amounts shown in Schedule "A" of the resolution in support of this Bylaw and subsequent Bylaws pertaining to the Cemetery and on completion of an application to purchase a Burial Deed.
 - i. One individual may purchase a maximum of eight (8) Grave Plots at any time.
- d. Burial rights in the Cemetery shall not be sold, transferred or disposed of in any way by any person without the written consent of the Town. The Plot/Niche Owner may transfer

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the Burial Deed only upon payment of the necessary fees as shown in Schedule “A” and make the necessary application to the Town.

- e. No person shall further subdivide or alter any Niche or Plot in any manner at variance with the subdivision plans on record in the Town Office for lands approved for use as a Cemetery.
- f. The Owner may sell their Plot or Niche to the Town, and the Town will buy back the Plot or Niche at an amount representing at least 85% of the market value of the Plot or Niche at the date of resale.
- g. The Purchaser(s), or the legal representative(s), of a single Plot will have direct control over the burial access rights of said Plot unless a transfer of Ownership is obtained.
- h. Plot configurations are as follows:
 - i. Full burial Grave Plots are 4' x 8'.
 - ii. Cremation Plots are 2' x 2'.
 - iii. An individual Columbarium Niche is 1' x 1' x 1' deep.
- i. Fences, railings, walls, copings and other enclosures around the Grave Plots are prohibited.

6. INTERMENT

- a. No Interment is permitted to be undertaken within the Cemetery until the Town has received the following:
 - i. Burial Deed and confirmation of Ownership.
 - ii. The Burial Application for the deceased, including the following information:
 - 1. Name of deceased.
 - 2. Age and Date of Birth.
 - 3. Burial Date and Time.
 - 4. Residence at time of death.
 - 5. Plot Information.
 - iii. The burial permit/certificate of burial/disposition permit from the government of Alberta vital statistics or proper governing authority.
 - iv. Payment of all applicable fees and charges, in full.
- b. No Plots shall be used for any purpose other than burial grounds for human remains or cremated human remains.

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- c. No person shall be buried in any Plot or Niche unless they are the registered Owner of the Burial rights for said Plot or Niche or have received written consent from the Owner or agent of the Owner, or unless, where two or more persons hold the Plot or Niche, the surviving person or persons consent thereto in writing. Ultimately, the Town has full discretion to determine Ownership of a Plot or Niche.
 - i. In the case of dispute or question of Ownership, the burden of proof is on the holder of the Burial Deed or the applicant, not the Town of Bon Accord.
- d. An authorized person of the deceased must sign the Burial Application.
- e. Graves for Interments and Inurnments shall be opened and closed only by persons employed by the Town of Bon Accord. A fine may be levied for unauthorized digging.
- f. The funeral home shall be responsible for lowering the casket.
- g. Only one (1) casket Interment and up to two (2) Inurnments may take place within one (1) plot.
 - i. The casket must be placed first.
- h. A maximum of eight (8) cremated remains may be interred in one regular Grave Plot.
- i. No cremated remains shall be scattered at the cemetery.
- j. Interment will not be permitted in Plots or Niches where written records are insufficiently accurate to confirm either Ownership or occupancy.
- k. Advance notification of Interment is required in accordance with the following:
 - i. Three (3) business days between May 1st and October 31st.
 - ii. Five (5) business days between November 1st and April 30th.
 - iii. If there is a good reason for the grieving family to accelerate the Interment time, the Town may consider an application subject to staff time, availability, and weather conditions.
- l. Additional charges for burials carried out on a weekend, Statutory holiday, a declared holiday or after 3:00 p.m. weekdays shall follow the rates as established in Schedule "A" attached and forming part of this Bylaw.
- m. The Owner of a Plot or Niche, or the person instructing the Town to open a Plot or Niche, shall give complete and precise instructions regarding the location, and the Town shall not be responsible for any errors resulting from the lack of proper instruction.
- n. No Grave for the burial of a deceased shall be less than five (5) feet in depth from the surface of the ground surrounding the grave.

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- o. No Grave for the burial of cremated remains shall be less than twenty-four (24) inches in depth from the surface of the ground surrounding the Grave.
- p. Concrete liners or vaults are required for the burial of a body.

7. DISINTERMENT

- a. A written order from the Owner of the Plot or Niche and/or authorized person of the deceased, and a permit for the Disinterment or removal of a body from the provincial medical health officer must be provided and approved by the Town of Bon Accord before disinterring a body.
- b. The Owner of the Plot or Niche, permit holder, or provincial medical officer requesting the Disinterment shall be responsible for the cost of the Disinterment process, including post-plot cleanup, to be completed by a qualified company or person(s) only during regular work hours to the satisfaction of the Town.
- c. No person not authorized by the Town shall disinter or remove a body or cremated remains from any Plot or Niche.

8. INSTALLATION OF MARKERS AND MEMORIALS

- a. All persons wishing to place a new Marker must first obtain a permit from the Town of Bon Accord. A Marker permit must be completed and returned to the Town office before any work is undertaken in relation to the placing of the Marker or Memorial. The Marker permit fee must be submitted to the Town before any Marker or Memorial is placed in the Cemetery.
 - i. The Town recommends that families wait 6 months to 1 year for the ground to settle before installing markers. The Town is not responsible or liable for Markers or Memorials damaged by the ground settling or any other natural occurrence.
- b. All firms or individuals wishing to repair, replace, or remove an existing Marker must obtain permission from the Town of Bon Accord.
 - i. Persons must provide proof that they have the legal right to repair, replace, or remove an existing Marker.
 - ii. The onus will be on the person to prove that they have the legal right to repair, replace, or remove an existing Marker.
- c. No Markers shall be erected except during regular working hours unless prior permission in writing has been granted by the Town.
- d. All Markers must be flat Markers (i.e., not to exceed ground surface) except in the old section (initial phase) of the cemetery grounds where pillow Markers are allowed.

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- e. All Markers, including applicable Foundation, shall be confined within the boundaries of a Grave Plot and placed in such a manner as to maintain proper alignment.
- f. Pillow Markers require a concrete Foundation.
- g. No person shall solicit business or distribute business cards or place an advertising trademark on any Marker or Memorial or any other fixture or structure within the Cemetery.
- h. Ownership of Markers and Memorials belongs to the estate of the deceased person(s).
- i. All persons employed in the construction, erection, and maintenance of Markers, whether employed by the Town or not, shall be subject to the direction and control of the Town.
- j. All persons erecting, repairing, or replacing Markers shall ensure that the surrounding areas are left in the same conditions as found.
- k. The Town shall not be liable for damages resulting from theft, vandalism or damage, howsoever caused to Markers erected upon a Plot.
- l. Markers with urns or vases attached are prohibited. Vases may be inverted into the ground at the plot site.
- m. No fixture of any type, such as pictures or ornaments, may be attached or affixed to any part of a Marker.
- n. No Grave cover is allowed in any portion of the cemetery.
- o. When cremated remains are placed in a plot where a body has been interred, flat Markers shall be placed over the top of the plot marking the cremated remains.
- p. When up to eight (8) cremated remains are placed in a plot, flat Markers shall be placed at the top of each burial site.
- q. No permanent Marker shall be placed on any Grave Plot before the Interment of human remains in such Grave Plot unless it is a Double Grave Marker and one of the persons is interred in the plot or is placed so as not to interfere with future burials (e.g., cremations). If a double Marker is erected before both Interments, the Town of Bon Accord will not be responsible for removing the Marker. Families must have the Marker removed before Town staff begin the excavation. Extra notice may be required for the burial. A form must be signed indicating that the family understands they must have the marker removed before future excavation.

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- r. No work shall be done upon any Marker, nor shall any Marker be removed from any Grave Plot without permission from the Town.
- s. Inscription of the Columbarium will be permitted only on the granite front provided for the Niche and only upon receipt of deposit payment as stated in Schedule "A".
- t. Persons wishing to place or install a Memorial in the cemetery must obtain prior permission from the Town in accordance with this Bylaw.
 - i. Applications for a Memorial in the Cemetery can be submitted to the CAO for approval.
 - ii. The Town reserves the right to deny applications for any reason.
 - iii. The Town must approve the location of the Memorial.
 - iv. Applicants are responsible for the cost and installation of the Memorial and any associated plaques.
 - v. The Town must approve all wording for commemorative plaques.
 - vi. The CAO may approve Memorials in the Cemetery.
- u. The Town shall report to a family member or responsible party of an installation that is in disrepair *if* the disrepair is noted during general maintenance. It shall be the duty of the family member or responsible party to repair or remove the installation within 30 days after receiving written notice from the Town.
- v. The Owner is responsible for the proper condition of a Marker or Memorial. The Town may remove an out-of-repair Marker or Memorial that is deemed to cause a safety hazard without notice.

9. GRAVE DECORATIONS

- a. No person shall place any Grave Decorations on or at a Plot or Niche at any time, including but not limited to Grave covers, foot Markers, statues, fencing, plants, lawn ornaments, solar lights, toys, and loose vases. Any items so placed may be removed by the Town without notice
- b. No person shall plant any Vegetation anywhere in the Cemetery except persons contracted or employed by the Town. Any Vegetation planted by a person not contracted or employed by the Town shall be removed by the Town.
- c. Vegetation in or around Plots is prohibited, except as placed or installed by the Town.
- d. Fresh-cut flowers and other funeral floral arrangements may be placed on a Grave or at the base of a Columbarium; however, they will be removed by Town staff without notice if they become unsightly, wilted or wind-strewn.

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- e. Artificial flowers on Graves or at the base of a Columbarium are allowed; however, they will be removed by Town staff without notice at the discretion of the maintenance staff.

10. MAINTENANCE AND CONTROL

- a. No person other than an Employee of the Town or its designate, or the Owner of a Plot or Niche or his agent, shall be permitted to care for any Plot or Niche in the cemetery.
- b. The Town shall have the authority to remove from any Plot or Niche any weeds, grass, funeral designs and/or floral pieces that have become wilted or any other articles or things deemed unsightly.
- c. All grading, seeding of grass, and sod work shall be done under the direction of the Town by Employees of the Town.
 - i. No person shall change the grade of any Plot other than the Town or an authorized representative of the Town. Where the grade of a Plot has been changed, the Town may, without notice, proceed to restore the grade at the Owner's sole expense.
- d. No person shall place anything on or adjacent to a Plot or Niche, which in the opinion of the Town restricts or hampers regular maintenance activities. The Town shall have the authority to remove, without notice, any such object or thing.
- e. The Town shall not be held liable for the loss of any item removed from any Plot or Niche in the Cemetery.
- f. If, in the opinion of the Town, where any greenery, vegetation, plants, or other landscaping situated on or about the Cemetery has become unsightly, dangerous, or inconvenient to the public or the Town, the Town shall have the right to remove such greenery, plants, or landscaping without notice to any affected Owner or other person.
- g. No person shall pick flowers, break, injure any tree, shrub, or plant, or write upon, destroy, deface, or damage any Memorial, Marker, Monument, fence, fixture, or structure within the Cemetery.
- h. No person shall throw, abandon, or dispose of rubbish or waste anywhere within the Cemetery except in the receptacles specifically provided for such a purpose by the Town, or otherwise create an unsightly condition within the Cemetery.

11. VISITORS

- a. Gatherings permitted in the Cemetery are limited to funerals, graveside or remembrance ceremonies, and with the written consent of the Town Manager, gatherings for historical, educational, and/or spiritual purposes.

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- b. Under no circumstances may a party or other unscheduled gathering occur in the Cemetery.
- c. No person other than an Employee or contractor under the direction of the Town shall enter or remain in the Cemetery between 11:00 PM and 6:00 AM.
- d. No person shall disturb the quiet or good order of the Cemetery by noise or any other improper conduct including, but not limited to:
 - i. Willfully and unlawfully disturbing persons assembled for an Interment;
 - ii. Committing any willful damage to the Cemetery's landscape, sod, trees, shrubs, flowers, plants, Markers, Memorials, Monuments, Niches, buildings, structures, fences, or any other ornaments, structures, or fixtures in the Cemetery.
- e. No person shall drive any vehicle through the Cemetery at a speed exceeding 10 KMPH or drive upon any part of the Cemetery except for the roadways provided specifically for vehicular access.
- f. The Town may prohibit the driving of vehicles in any part of the Cemetery.
- g. The Owner of any moving vehicle shall be responsible for any damage done by such vehicle within the boundaries of the Cemetery.
- h. No person shall ride a horse in the Cemetery except as part of a funeral procession.
- i. No dogs or other animals shall be allowed in the Cemetery.
- j. The use of snowmobiles and other all-terrain recreation vehicles within the Cemetery shall not be permitted.
- k. No person shall enter the Cemetery carrying a firearm unless such a person is participating in a military funeral and has lawful authority to bear such a firearm.
- l. Persons within the Cemetery shall take care to use walkways and not walk upon or across plots, except Cemetery staff or contractors directed by the Town in performing their work. The Town expressly disclaims liability for any injuries sustained by anyone violating this rule.
- m. A Peace Officer may evict any person(s) contravening this Section or any part of this Bylaw from the Cemetery and applying any other remedy provided for in this Bylaw.

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12. PENALTY

- a. Any person who destroys, damages, defaces, or writes upon any Marker, Memorial, Monument or other structure or object in the Cemetery in contravention of this Bylaw shall be guilty of an offence and liable upon summary conviction to a fine not less than five hundred dollars (\$500.00) and to a total fine of not more than two thousand, five hundred dollars (\$2,500.00) plus all costs of restoration and in default of payment to imprisonment for a period not exceeding six (6) months.
- b. Any person who commits a breach of any other provisions of this Bylaw shall, on conviction for such breach, be liable to a penalty of not less than two hundred dollars (\$200) and not exceeding ten thousand dollars (\$10,000.00) exclusive of costs, or in the case of non-payment of the fine and costs imposed, to imprisonment for any period not exceeding sixty (60) days.
- c. If a person is found guilty of an offence under this Bylaw, the Court may, in addition to any other penalty imposed, order the person to comply with this Bylaw.
- d. The levying and payment of any fine or imprisonment for any period provided in the Bylaw shall not relieve a person from the necessity of paying any fees, charges or costs from which they are liable under the provisions of this Bylaw.
- e. Bylaw 2020-04 is hereby repealed.
- f. This Bylaw shall come into force and effect on the date of 3rd reading, regardless of the date that it is signed in accordance with section 213 of the *Municipal Government Act*.

READ A FIRST TIME THIS 2ND DAY OF SEPTEMBER 2025.

READ A SECOND TIME THIS 16TH DAY OF SEPTEMBER 2025.

READ A THIRD TIME THIS 16TH DAY OF SEPTEMBER 2025.

SIGNED AND PASSED THIS 16TH DAY OF SEPTEMBER 2025.

ORIGINAL SIGNED

Brian Holden
Mayor

ORIGINAL SIGNED

Jodi Brown
Chief Administrative Officer

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SCHEDULE "A"

CEMETERY FEES

GRAVE PLOTS

Regular Plot (Full Burial)	\$935.00
Family Cremation Plot (Accommodate up to 8 Urns)	\$935.00
Cremation Plot (Accommodate 1 Urn)	\$275.00
Columbarium Niche (Accommodate 1 Urn)	\$1,045.00

OPEN & CLOSE

Summer (May 1st through to October 31st) Weekdays before 3:00 PM

Regular Plot (Full Burial)	\$605.00
Family Cremation Plot (Accommodate up to 8 Urns)	\$385.00 per urn
Cremation Plot (Accommodate 1 Urn)	\$385.00
Columbarium Niche (Accommodate 1 Urn)	\$165.00

Summer (May 1st through to October 31st) Weekdays after 3:00 PM and Weekends and Holidays

Regular Plot (Full Burial)	\$1,100.00
Family Cremation Plot (Accommodate up to 8 Urns)	\$880.00 per urn
Cremation Plot (Accommodate 1 Urn)	\$880.00
Columbarium Niche (Accommodate 1 Urn)	\$660.00

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Winter (November 1st through to April 30th) Weekdays before 3:00 PM

Regular Plot (Full Burial)	\$715.00
Family Cremation Plot (Accommodate up to 8 Urns)	\$495.00 per urn
Cremation Plot (Accommodate 1 Urn)	\$495.00
Columbarium Niche (Accommodate 1 Urn)	\$165.00

Winter (November 1st through to April 30th) Weekdays after 3:00 PM and Weekends and Holidays

Regular Plot (Full Burial)	\$1,210.00
Family Cremation Plot (Accommodate up to 8 Urns)	\$990.00 per urn
Cremation Plot (Accommodate 1 Urn)	\$990.00
Columbarium Niche (Accommodate 1 Urn)	\$660.00

OTHER CHARGES

Damage Deposit – Columbarium Niche**	\$500.00
Transfer of Burial Deed	\$250.00
Disinterment Fees	Flow-through charges + 10 %
Marker Permit Fee	\$110.00

**A damage deposit fee in the amount of \$500 must be received before the Interment or removal of the Columbarium door for engraving (if done by family). The damage deposit is taken to cover the cost of a lost key or damage to the Columbarium door. The damage deposit will be returned within 14 business days after the Interment or replacement of the door.