

**TOWN OF TOFIELD  
BY-LAW 1275**

**BEING A BY-LAW OF THE TOWN OF TOFIELD IN THE PROVINCE OF ALBERTA  
TO PROVIDE FOR THE MAINTENANCE AND CONTROL OF THE CEMETERY  
UNDER THE JURISDICTION OF THE TOWN OF TOFIELD.**

**WHEREAS**, the Council of the Town of Tofield deems it desirable and expedient to regulate and control the operation of the Tofield Cemetery.

**NOW THEREFORE**, the Council of the Town of Tofield, duly assembled,  
**ENACTS** AS FOLLOWS:

**Section A - ADMINISTRATION**

1. This By-Law may be cited as the "Cemetery By-Law" of the Town of Tofield.
2. The Chief Administrative Officer, or designate, of the Town of Tofield shall keep plans of subdivision of the Cemetery, and all records connection therewith, and shall;
  - (a) make all sales of burial rights in the cemetery;
  - (b) keep a record of sales of burial rights of persons buried in the Cemetery, the date of burial and such other records as required by the Town of Tofield and the Province of Alberta;
  - (c) collect any and all fees as defined in the attached Schedule "A".

**Section B – OPERATIONS**

**GRAVE PLOTS**

1.
  - (a) The graves in the cemetery will be standard plot - 1200 mm X 2700 mm (4 ft X 9 ft) or cremation plot 600 mm X 1350 mm (2 ft X 4½ ft). A grave shall be dug so the depth between the top of the casket and the ground surface level is 0.6 metres (2 feet).
  - (b) The Public Works Department shall be responsible for the opening and closing of each grave plot in the cemetery.

The Parks Department shall be responsible for the aesthetic maintenance of the cemetery.
  - (c) Ashes that are buried in regulation containers, or regulation urns, can be buried in the cemetery without a concrete liner, providing a casket is not used.

Ashes in regulation container or urns may be buried in a grave plot that contains a casket, providing that the casket and liner are buried first. Where ashes are being buried in a plot containing a casket, a maximum of six (6) sets of ashes in regulation containers or regulation urns can be buried in a single adult grave.

The number of ash burials shall be a maximum of six (6) in a standard plot and a maximum of two (2) in a cremation plot.



**Section B – OPERATIONS**

- (d) Ashes may be buried in any plot where the person in charge of the ashes is deemed to have authority to give permission for such burial in that plot.
- (e) Burials, internment, funeral services and monument installations shall take place during those hours and days considered normal working hours for the Town of Tofield Employees. Notwithstanding which, the Chief Administrative Officer, or designate, may make exceptions to this clause as may be required. An additional fee as set out in the attached Schedule "A" would be applicable.
- (f) If a grave is required to be prepared, a minimum of forty-eight (48) hours shall be given to the Town prior to the time set for the burial.
- (g) With the exception of ashes, no more than one body shall be buried in a single grave, except a mother and her infant child when both are in the same casket or coffin.
- (h) Liners - No burial, with the exception of burial of ashes, will be permitted in the cemetery unless a concrete liner is first placed in the grave. The cost of the concrete liner is the responsibility of the purchaser.

**COLUMBARIUMS**

- (a) Ashes that are buried in containers or urns may be placed in Columbarium supplied by the Town of Tofield.
- (b) A maximum of two containers or urns may be placed in each niche of the columbarium.
- (c) The Town of Tofield shall supply the engraved plaque that is placed on the front of the niche.

**GENERAL**

- (a) The following information is required at the time of a required burial:
  - Name of Purchaser
  - Name of Deceased Person
  - Gender
  - Date of Death
  - Number of Plot, Lot and Block in which Burial is to be interred
  - Date and Time of Burial
  - Date of Purchase
  - Invoicing Information
  - Total Costs
- (b) Indigent Burials - Indigent burials shall be subject to the approval of Provincial Department of Social Assistance and burial rights shall be charged by the Town in accordance with the rates established in the attached Schedule "A".
- (c) Perpetual Care of the Cemetery shall be provided by the Town.



**Section C - MONUMENTS AND MARKERS**

- (a) Monuments shall not exceed fourteen (14) inches in height
- (b) Care and upkeep of monuments are the responsibility of the owner, next of kin or agent.
- (c) No monument shall be allowed to become unsightly.
- (d) No trees, plants, shrubs, flowers, or any other thing intended for growth shall be planted, seeded, grown, or maintained on any plot in the cemetery unless special permission for the same is first obtained from the Chief Administrative Officer, or designate.
- (e) If any trees, shrubs or plants, growing or situated on any plot shall in the opinion of the Chief Administrative Officer become in any way detrimental to adjacent plots, walks or driveways, or prejudicial to the general appearance of the cemetery or dangerous or inconvenient to the public, the Chief Administrative Officer, or designate, may have the right to enter upon the said plot and remove the said trees, shrubs or plants, or such parts thereof as may be consider detrimental, dangerous, inconvenient or objectionable.
- (e) No vault, fences, railing or any other enclosure or structure of any kind, other than a marker or vase which is in accordance with the provisions of this bylaw, shall be erected or installed on any plot of the cemetery.
- (f) No markers or vases shall be removed by any person from any plot in the cemetery without written permission from the Chief Administrative Officer.
- (g) If in the opinion of the Town, a monument, vaults, fences, railing, markers, vases, or any other enclosure or structure prior, or hereafter erected which by reason of neglect, illegal construction, or age, requires repair or removal and has become unsightly, the Town may provide written notice to last known address of the owner, next of kin, or agent. This notice shall provide thirty (30) days notice, requiring the owners, next of kin, or agent to remove or repair monument. If after the thirty (30) days notice, the Town has received no response, the Town may do the necessary repairs and the cost incurred for the same shall be recovered from the owner, next of kin or agent.
- (h) From time to time, the Town of Tofield may do a general clean up of floral or other tributes placed at the time of interment, or any other time if they become unsightly. The Town of Tofield will use good judgement to see which florals or tributes shall be removed.

**Section D - PURCHASE OF AND RESERVING OF PLOTS**

- (a) The location of a plot will be determined by the Town **at the time of need.**

Amended  
Bylaw  
1276

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Generally, when one (1) member of a family is interred, the adjoining plot may be reserved for another family member. Some areas of the cemetery have been abandoned, and as a result, definite locations of the graves are difficult to determine. Reservation of burial plots may be restricted or substitutions may have to be made.

- (b) Upon the application of the purchaser of a burial right or successors, the Town may redeem the burial right and cancel the certificate and refund to the applicant an amount equal to the price originally paid for the burial right, without interest, and after making deductions for any expenses incurred by the Town.

#### **Section E - TRANSFER OF BURIAL RIGHTS**

- (a) No purchaser or owner of the burial rights of any plot in the said cemetery shall sell, assign or dispose of the burial rights in such plot or any part thereof, without the consent in writing of the Chief Administrative Officer to such sales, assignments or disposition.

No plot in which the burial rights have hereto been sold, or are hereafter sold, shall be used for any other purpose than as a place for the burial of human bodies, and the owner of burial rights in any plot shall not allow burials therein for remuneration.

#### **Section F - DISINTERMENT**

- (a) Disinterment in the cemetery shall be done in accordance with provisions of the Cemetery Act, at a fee as established in the attached Schedule "A".

#### **Section G - MENNONITE SECTION**

- (a) The following Plots are hereby established as the Tofield Mennonite Sections:

Block 21, Lots 1 – 4 and Lots 13 – 16  
Block 24, Lots 1 – 4  
Block 27, Lots 13 – 16  
Block 28, Lots 1 – 4 and Lots 13 – 16

These Plots have been previously purchased by the Tofield Mennonite Church - General Conference. Perpetual Care shall be paid by the Tofield Mennonite Church at the time of immediate burial needs.

- (b) Block 20, Lots 9 – 12 and Lots 13 – 16  
Block 31, Lots 1 – 16

These Plots have been reserved for the Tofield Mennonite Church - General Conference. Purchase of Plot and Perpetual care shall be paid by the Tofield Mennonite Church at the time of immediate burial needs.

- (c) Approval and consultation with the Tofield Mennonite Church is required prior to Burials in the above mentioned sites.





**Section H - LEGION SECTION**

- (a) Block 2, Lots 3 – 14  
Block 3, Lots 3 - 8

The above mentioned Plots are hereby established as the Legion Section. Plots have been reserved for the Tofield Legion. Purchase of Plot and Perpetual Care shall be paid at the time of immediate Burial needs.

- (b) Approval and consultation is required with the Tofield Legion prior to Burials in the above plots.

**Section I - GENERAL**

1. (a) Sporting activities, picnics or other parties or such types of gatherings are not permitted at the Tofield Cemetery.
- (b) No person shall injure any tree shrub, or plant growing in the cemetery, nor pick or destroy any flower growing therein, or write upon, mark, scratch or deface any marker, gate, building, or structure within the said cemetery.
- (c) No person shall be permitted to drive, ride, park, or operate any all-terrain vehicle, mini-bike, or any off-highway vehicle, or snow vehicle within the cemetery.
2. The attached Schedule "A" is hereby approved and forms part of this By-Law.
3. By-Law 1085 and any amendment thereto are hereby repealed.

**Section J – ENACTMENT**

1. This By-Law comes into full force and effect upon third reading and finally passed.

READ A FIRST TIME THIS 12<sup>TH</sup> DAY OF SEPTEMBER 2016

READ A SECOND TIME THIS 12<sup>TH</sup> DAY OF SEPTEMBER 2016

READ A THIRD TIME THIS 12<sup>TH</sup> DAY OF SEPTEMBER AND FINALLY PASSED.

  
MAYOR

  
CHIEF ADMINISTRATIVE OFFICER