

**TOWN OF MILLET
IN THE PROVINCE 2023-11**

A bylaw of the Town of Millet to establish the provisions of the maintenance, management and operation of the Millet Community East Cemetery and Millet Community West Cemetery.

WHEREAS, the Cemeteries Act, R.S.A. 2000, Chapter C-3, as amended grants municipalities the authority to establish a cemetery bylaw;

AND WHEREAS, Council for the Town of Millet desires to establish a Bylaw governing the operation of the Cemeteries.

NOW THEREFORE, pursuant to the provisions of the Municipal Government Act, Council of the Town of Millet, duly assembled, enacts as follows:

PART 1: DEFINITIONS:

In this bylaw as defined;

“Act” refers to the Cemeteries Act, RSA 2000 as amended from time to time.

“Burial Containers” means a burial vault or grave liner commonly used in “traditional,” full-service funerals.

“Burial Permit” means a burial permit issued under the *Vital Statistics Act*.

“C.A.O.” means Chief Administrative Officer for the Town of Millet.

“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.

“Cremation Plot” Means a single burial plot for the placement of human remains that have been cremated.

“Grave Plot” sometimes referred to as a burial or funeral plot, is the spot where a body is laid to rest in the ground.

“Interment” refers to the burial or placement of human remains or cremated human remains in a grave site.

“Indigent Person” refers to an unclaimed body, or body of a destitute person as set out in the Cemeteries Act.

“Monument” means any permanent structure or headstone that is positioned level with or above ground level for memorial purposes.

“Owner” means the Town, who owns, controls, or manages a cemetery, crematory, columbarium, or mausoleum.

“Perpetual Care” means the preservation, improvement, embellishment, and maintenance in perpetuity and in a proper manner of the cemetery and grounds.

“Purchaser” means a person who receives burial rights of the assigned grave plot transferred by the Town.

“Town” means the Corporation of the Town of Millet, its Officers, Officials or agents which are the owners of the cemetery lands.

PART 2 - LAND DESCRIPTION

The following lands are hereby known and shall be retained for the sole purpose of a public cemetery to be known as:

The Millet Community East Cemetery which is legally described as:
East Half of SE-29-47-24-W4 containing two (2) acres, more or less
Title #187V72

The Millet Community West Cemetery which is legally described as:
West Half of SE-29-47-24-W4 containing two (2) acres, more or less
Title #187V72

PART 3 - GENERAL

- 3.1 The Town shall be responsible for the operation and maintenance including, but not limited to, the selling of plots, collection of fees, maintenance of records, and maintenance of the Cemetery grounds.
- 3.2 The Town assumes no liability or responsibility for loss of or damage to any Monument, marker or part thereof or any article of any type that may be placed on the plot.

PART 4 - SALES, REFUNDS AND TRANSFER OF BURIAL PLOTS

4.1 Grave Plot Sizes.

The Millet Community East Cemetery

Description	Width	Length
Standard Grave Plot	1.2m (4')	2.7m (9')
Baby Grave	0.6m (2')	0.9m (3')
Medium Grave	1.5m (5')	1.37m (4')
Cremation Plot	0.6m (2')	0.6m (2')

The Millet Community West Cemetery described as follows:

Description	Width	Length
Standard Grave Plot	1.5m (5')	2.7m (9')
Cremation Plot	0.76m (2.5')	0.6m (2')

- 4.2 All burials are to be made within the confinement of one single grave plot. In a Standard Grave Plot there shall be no more than:
 - One (1) full body casket, or
 - One (1) full body casket and two (2) cremain urns/containers therein after, or
 - Four (4) cremation urns/ containers, no casket
 -In a Cremation Plot there shall be no more than:
 - One (1) cremation urn/container
- 4.3 The Town shall manage all sales of plots within the Cemeteries and shall account for all money received. Fees will apply as established in **Bylaw 2023-10** for the purchase of each grave plot in addition to a perpetual care fee.
- 4.4 The Town shall issue a deed for the purchase of a grave plot and keep records of the name or names that the lot is reserved for. Records shall be kept of such persons buried in any plot together with the date of said burial(s).
- 4.5 No purchaser of the burial rights of any plot in the said Cemeteries shall sell, assign, or dispose of, without the consent in writing by the Town, of such sale, assignment, or disposition. Upon the filing with the Town of a transfer, a fee will apply as established in **Bylaw 2023-10** the Town shall issue a new certificate / deed indicating the change of the purchaser. Immediate family members (father, mother, grandparents, and siblings) may transfer the grave plot to each other at no additional fee upon written request to the Town.

- 4.6 When a destitute or indigent person dies, the Community and Social Services is responsible for the cost of burial or other disposition of that person's body.

PART 5: RECOVERY OF BURIAL PLOTS / INTERMENT SPACE

- 5.1 The Purchaser of the plot may redeem the burial rights and cancel the certificate/deed of ownership back to the Town. The calculation for the resale price will be in accordance with Part 1, Section 25(b) of the Cemetery Act and Section 2 of the Cemetery Act Regulations which shall be an amount representing at least 85% of the market value of the lot at the date of resale less any other expenses that may have occurred.
- 5.2 If no burial has taken place within the period of 75 years from date of purchase the monies paid by the purchaser shall be forfeited to the Town, the deed will expire, and the plot reverts to the Town for resale.
- 5.3 Wherever a grave plot shall become vacant by disinterment of a body or bodies therein, that portion of land shall revert back to the Town without refund to the Purchaser.
- 5.4 The following provision of the Province of Alberta, Cemeteries Act, RSA, Alberta 2000, C-3 shall apply to the conditions set out herein:
Section 18(3) an order under subsection (2) is subject to the condition that if the purchaser from whom the interment space is revested, or that purchaser's personal representative, subsequently claims the interment space, the owner will
(a) pay to that purchaser an amount equal to the current market value of the revested interment space, or
(b) provide to that purchaser another interment space that is equal in value to the current market value of the revested interment space.

PART 6 - INTERMENTS

- 6.1 The Town shall be responsible for the opening and closing of each grave plot.
- 6.2 The Town shall not authorize the opening and closure of any grave plot by any method in the cemeteries until;
- All necessary forms attached to this Bylaw have been fully completed and signed by the person or persons authorized to do so
 - Burial Permit issued by an official of the Province of Alberta.
 - Cremation certificate if available
 - Record of certificate/deed by purchaser or authorized person or persons
 - Fees and charges related to the opening and closure are paid in full.
- 6.3 No more than one person shall be buried in the same casket except in a case of a mother or a father and their infant child or siblings under the age of six; and except when two sets of ashes are placed a single urn or container.
- 6.4 The Town accepts no responsibility for error or misunderstanding that may arise when interment request is ordered by telephone.
- 6.5 Location of interment shall be designated at the time of plot purchase or request for an open and close of grave lot.
- 6.6 Interment of any body other than a human being is prohibited. No person shall bury a human body or human cremains within the limits of the Millet Cemeteries except as designated by and in accordance with the provisions of this bylaw.
- 6.7 Application for interments shall be a minimum of forty-eight (48) hours notice from May 1st to October 31st, and at least seventy-two (72) hours notice from November 1st to April 30th, excluding weekends and statutory holidays, except in extenuating circumstances and at the discretion of the Town.
- 6.8 Concrete grave liners or burial vaults must be used for all burial except for cremation burials.
- 6.9 Concrete grave liner must be totally buried, and the highest point of the liner cannot be less than two feet (0.6 meters) below the soil surface.

- 6.10 The funeral home or their representative, in acting in their capacity as agent for the deceased's family, shall be responsible for lowering the grave liner, burial vault, or casket and shall remain in attendance until the grave liner or burial vault is sealed.

PART 7 - DISINTERMENTS

- 7.1 The Town will take no responsibility for any disinterment or removal of a body.
- 7.2 Time and date of a disinterment shall be at the discretion of the Town.
- 7.3 No disinterment will be allowed without the consent in writing of a surviving relative or legal representative of the person whose body is to be disinterred or removed. Also required is a document in the form of an official permit signed by the Department of Vital Statistics.
- 7.4 Before disinterment is allowed for remains of a person who died from a contagious disease, a permit shall be obtained from the Provincial Board of Health and presented to the Town.
- 7.5 A disinterment must be arranged and completed by a Funeral Home under the supervision of the Town. All cost incurred shall be the responsibility of the family or agent, including the cost of a new grave liner if required.

PART 8 - MONUMENTS / GRAVESTONES / MEMORIALS

- 8.1 Monuments installed shall be subject to approval by the Town. When any Monument, gravestone or memorial of any kind is to be removed, for any purpose, including any inscription to be made or cleaning done, prior permission shall be obtained from the Town.
- 8.2 Memorials in the Cemeteries are to be inscribed with such lettering as may be desired, provided such inscription is in keeping with the dignity of the Cemeteries.
- 8.3 The Town shall not be responsible for any errors resulting in Monument design or the inscription on the face being inaccurate.
- 8.4 Inscriptions shall be of sufficient depth and quality so as to be legible for great lengths of time. Metal plaques which oxidize and deteriorate will not be permitted.
- 8.5 Monuments shall be constructed of stone, and of such a type that has a high resistance to weathering and erosion.
- 8.6 All memorials must be kept in proper repair; the Town may notify the owner of the memorial if damaged or in a state of repair. It will be the responsibility of the owner to make arrangements to repair the memorial in a suitable condition.
- 8.7 The Town shall not be responsible to anyone claiming loss, damage, defacement or destruction of any private property or any article placed or left on or in the said Cemeteries.
- 8.8 The Town may request the plot purchaser or persons responsible to remove articles, things or materials which may cause harm to others or be deemed to be dangerous, unsightly or unacceptable within 30 days of notice. Subject to failure to comply, or the neglect or refusal to remove same, the Town may cause the same to be removed without incurring any liability to the cemeteries or their servants.
- 8.9 All grave lots shall have an identification marker within 6 months after interment.

PART 9 - INSTALLATION / PLACEMENT OF MONUMENTS

- 9.1 Prior to erecting or restoring a Monument, all contractors or individuals must first obtain an appropriate permit from the Town.
- 9.2 The Town may refuse the placement of any proposed Monument should it be determined that the proposed Monument is not appropriate for placement in the Cemetery or otherwise does not conform to these regulations.

- 9.3 Monuments must be placed on that portion of the plot undisturbed by excavation and must be in line with the other monuments in that section of the Cemetery.
- 9.4 No one shall, in the Cemeteries themselves, solicit orders for monuments, monumental work, curbing, or for the undertaking of any services in connection with the upkeep of burial plots.
- 9.5 Any Monument installed that does not comply with this bylaw shall be removed by the Town and shall only be returned to the owner thereof after payments of incurred costs are received.
- 9.6 All costs of construction, erection and installation of any Monument or vases shall be borne by the person requiring the work in the cemeteries. All work shall be done in a workmanlike manner as approved by the Town.
- 9.7 Heavy loads will not be allowed to enter the Cemetery when the roadways are unfit to do so. If damages occur through the hauling or conveying of heavy materials that may be used for the construction of any Monument or other structure, and repairs must be, or ordered to be, undertaken by the Town, all costs of such repairs shall be charged to the lot Purchaser or firm having caused the damage.
- 9.8 Persons erecting Monuments shall ensure that such Monuments are firmly secured to the foundation and that the foundation is adequate to carry that Monument.
- 9.9 In erecting or placing memorial work upon a grave plot, the person(s) in charge of the work shall conform to the following:
 - a) Convey, transport, place and keep all materials, implements and equipment while in the Cemetery as directed by the Town.
 - b) Carry out such work under the general supervision of the Town, and in such a manner as not to interfere in any way with abutting or adjoining plots.
 - c) Remove all masonry litter, rubbish or refuse leaving the lot in a clean, tidy and proper condition. In the event of failure, neglect or refusal to do so, the Town may cause same to be done and charge the cost incurred to the plot owner or other persons responsible.
 - d) All work of any kind shall be discontinued from the time of a burial service or hearse enters the Cemetery gates to the time the hearse and mourners are out of the Cemetery.

PART 10 - MONUMENT SIZE RESTRICTIONS

- 10.1 Millet Community East Cemetery:
 Monument size restrictions are as follows:
 Size restrictions include a 6" base
 Flat Markers
 maximum length 36" per grave
 maximum width 24" per grave
 Granite Markers minimum thickness is 2" and maximum of 4"
 Cremation Plot
 maximum length 24" per grave
 maximum width 24" per grave
- 10.2 The Millet Community West Cemetery:
 - Grave covers will not be permitted.
 - All monuments must be placed on concrete runner (headstone footing) as provided.

See Schedule "A" monument diagram that is attached and forms part of this bylaw.

PART 11 - PERPETUAL CARE

- 11.1 Perpetual Care Fee(s) must be included at time of grave plot purchase, see schedule "A".
- 11.2 Perpetual Care Fee(s) will be charged for each cremation urn/container being placed in an already occupied plot and shall be paid at the time of opening and closing.

- 11.3 When a grave plot is sold or given back to the Town, the Perpetual Care Fee shall not be refunded and may be charged to future purchasers.

PART 12 - TREES / FOLIAGE / DECOR

- 12.1 No trees, shrubs, plants, flowers or any other living thing intended for growth shall be planted, seeded, grown or maintained on any plot or near any plot.
- 12.2 No person shall erect a fence or enclosure of any kind around any grave plot or part thereof.
- 12.3 Permanent planting of trees, shrubbery or any type of foliage within the Cemetery shall be the sole right and duty of the Town of Millet.
- 12.4 Any and all existing trees, foliage and other plants in the Cemetery shall be the property of the Owner of the Millet Cemeteries and not the plot Purchaser.
- 12.5 No person shall tamper with or remove any flowers, plants, trees, shrubs, monuments or other structures located within the Cemetery.
- 12.6 No person shall mishandle any monument, fence or other structures belonging to the Cemetery.
- 12.7 If any trees, shrubs, plants that are growing or situated on any plot shall, in the opinion of the Town, become in any way detrimental to adjacent plots, walks, and/or driveways or otherwise prejudicial to the general appearance of the Cemetery, or otherwise considered to be dangerous or inconvenient to the public, the Town shall have the right to enter upon the said plot and remove the said trees, shrubs, plants or such parts thereof. The Town may remove or prevent the placing of any stand, holder, vase or other receptacle for flowers or plants.
- 12.8 With the exception of the day of interment, all artificial or cut flowers must be placed in a permanent container that is affixed to the Monument or base of the Monument. No container shall be attached to the concrete sidewalk. Maximum height shall be twenty (20) inches from the top of the sidewalk to the top of the container.
- 12.9 Cut flowers shall be removed from plots by the Town as soon as they become wilted or unsightly. Persons wishing to retain same must remove them within forty-eight (48) hours after interment.
- 12.10 Artificial flowers shall be allowed providing they do not become unsightly or a significant maintenance problem.

PART 13 - TRAFFIC

- 13.1 All vehicles and funeral processions must use the main gate to gain access to the Cemetery and must travel at a speed no greater than ten (10) kilometer per hour, and only upon the roadways provided for vehicular traffic.
- 13.2 Within the Cemetery, all persons shall drive a vehicle at a moderate rate of speed no greater than ten (10) kilometers per hour. No turning around or backing up is permitted on any roadway that directs traffic in a one way direction.
- 13.3 No person shall be permitted to drive, ride, park or operate any all-terrain vehicles, mini-bikes, snow mobiles or any off-highway vehicle within the cemeteries.

PART 14 - REGULATIONS

- 14.1 Funerals, while within the Cemetery grounds, shall be under the control of the Town and the undertaker shall be responsible for conduct of the actual proceedings and ceremony.

- 14.2 All persons walking in the Cemetery shall take reasonable precautions to keep to paths and walkways and shall take reasonable precautions not to walk upon or across any plot except for maintenance operations.
- 14.3 No person shall disturb the quiet and good order of the Cemetery by noise or other improper conduct.
- 14.4 No person shall discard rubbish within the Cemetery except in receptacles provided.
- 14.5 No sporting activities shall be permitted within the Cemetery.
- 14.6 Persons carrying firearms are prohibited from entering the Cemetery except in the case of a military funeral.
- 14.7 The Town shall have the right to prohibit the entry of any person or persons who do not have related business at the Cemetery. A person may be requested to identify themselves and state their reason for attendance: if in breach of this bylaw, he or she may be denied access or asked to depart the Cemetery grounds. No person shall remain within the cemeteries during hours of darkness unless authorized by the Town.
- 14.8 No animals shall be brought into or permitted within the said Cemetery unless used for a medical order.
- 14.9 No person shall solicit business within the Cemetery nor place upon any Monument that is erected depicting the name of the monument dealer or manufacturer or any type of insignia or trademark.
- 14.10 Any complaints must be made in writing to the Town and signed by the party making the complaint in order to be addressed.
- 14.11 Any notice required to be given under the provisions of this bylaw may be given by the Town serving the notice personally or by registered mail at the post office within the Town. The envelope will be addressed to the recipient's last known place of residence. For the purpose of this requirement, a Purchaser shall be responsible for providing a personal delivery or mailing address to the Town that is applicable to them and current at all times and to which any communication or notice hereunder can be given.

PART 15 - ENFORCEMENT

- 15.1 A person who contravenes a provision of this Bylaw is guilty of an offence and is liable on summary conviction to a fine not exceeding two hundred (\$200.00) dollars exclusive of cost or in the case of non-payment of the fine and cost imposed, imprisonment for not more than sixty (60) days.

PART 16 – LIABILITY

- 16.1 In the event of any error in the description or sale of any grave plot during a transfer to the Purchaser, neither the Purchaser nor anyone claiming under him/her shall have any claim for compensation, loss or damage, therefrom or by reason of anything arising out of, or in connection therewith, against the Town, except for refund of any money paid to the Town for another grave plot or plots as the case may be, of equal cost, if available.

PART 17 - REPEAL

- 17.1 Bylaw 2022-10 is hereby repealed

PART 18 - EFFECTIVE DATE

18.1 AND FURTHER THAT this bylaw shall take effect on the date of third and final reading

READ a first time this 22nd day of November, 2023

READ a second time this 13th day of December, 2023

READ a third and final time this 13th day of December, 2023



MAYOR

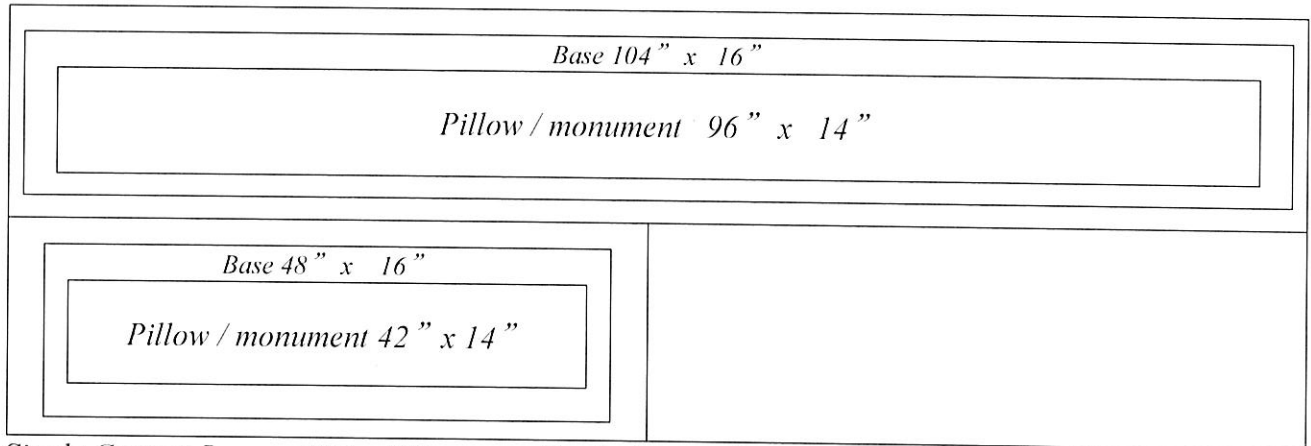


CHIEF ADMINISTRATIVE OFFICER

PART 19 - SCHEDULE "A"

Millet Community West Cemetery
 Showing the Concrete Runner for Monument Placement of 4 Burial Plots

*Double Monument Cement Runner
 (Side by Side 2 Full Burial Plots)
 120" x 18"*

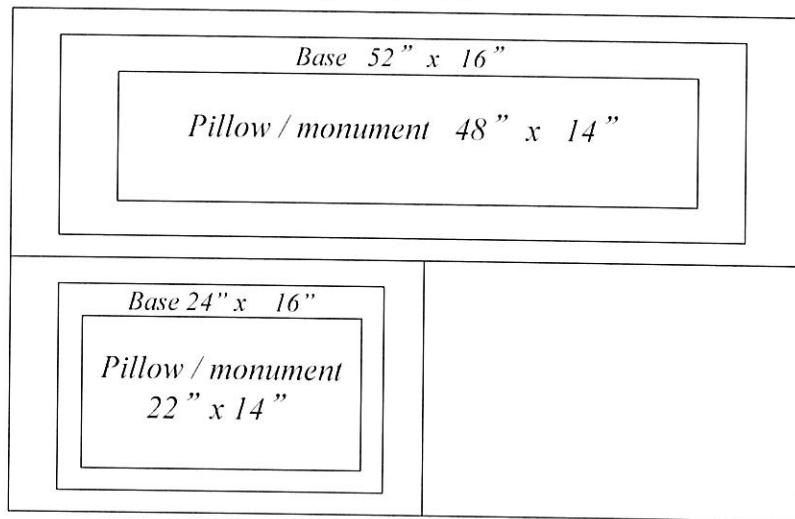


Single Cement Runner 60" x 18"

Single Cement Runner 60" x 18"

Double monument – Maximum Size	Base 104" L x 16" W Pillow / Monument 96" L x 14" W
Single monument – Maximum Size	Base 48" L x 16" W Pillow / Monument 42" L x 14" W
Maximum Base thickness	Up to 6"
Maximum Height Including Base	Upright Monuments 36" Pillow Monument 16"

Cremation Monuments
 Double Monument Cement Runner
 (Side by Side 2 Cremation Burial Plots)
 60" x 18"



30" x 18"

30" x 18"

Single Monument Cement Runner

Double monument – Maximum Size	Base 52" L x 16" W Pillow / Monument 48" L x 14" W
Single monument – Maximum Size	Base 24" L x 16" W Pillow / Monument 22" L x 14" W
Maximum Base thickness	Up to 6"
Maximum Height Including Base	Upright Monuments 30" Pillow Monument 16"