

# Mount Calvary Catholic Cemetery Bylaws

## Table of Contents

- Table of Contents..... 1
- Definitions..... 1
- Plot Holder Duties, Rights and Powers ..... 2
- Columbarium ..... 2
- Headstones ..... 2
- Superintendent Duties, Rights and Powers ..... 5
- Plots ..... 6
- Burials ..... 6
- Vehicles in the Cemetery ..... 8
- General Provisions ..... 9
- Provisions for Rules & Regulations ..... 9
- Penalty ..... 9

## Definitions

Unless otherwise stipulated, the following definitions apply to this entire Bylaw.

1. **Cemetery** means Mount Calvary Catholic Cemetery located on 67<sup>th</sup> street in Red Deer and under control of Sacred Heart Parish, Red Deer.
2. **Superintendent** means the person supervising the Cemetery and any person authorized by the Superintendent to carry out their duties.
3. **Caretaker** means the employee actually working at the Cemetery under the instruction and supervision of the Superintendent.
4. **Columbarium** means a structure designed for the interment of cremated human remains in sealed niches.
5. **Grave** is an excavation in the ground for the purposes for burying human remains.
6. **Plot** means a piece of land according to the Cemetery plan or a columbarium niche for which a family or an individual purchases interment rights. A plot may contain one or more graves.
7. **Plot width** means the distance between right and left plot boundaries when standing facing the top of the plot where the headstone area is.
8. **Plot length** means the distance between top and bottom boundaries when standing facing the top of the plot where the headstone area is.
9. **Easement** means that at the time of purchase of a plot, the person is purchasing interment rights or the right to use the space. Ownership of the property remains with the Cemetery.
10. **Plot holder** means the person who has purchased the interment rights or use of the plot space.

11. **Headstone** means a headstone, monument, gravestone, or flush marker made of stone, cement, granite, bronze or marble that is installed in the ground and set at the head of a grave.
12. **Headstone width** means the distance between right and left headstone edges when standing facing the headstone where the writing is most readable.
13. **Headstone depth** means the distance between top and bottom headstone edges when standing facing the headstone where the writing is most readable.
14. **Headstone height** means the distance from ground upwards to the highest point on the headstone.
15. **Headstone owner** means the person who bought the headstone or any responsible family members that are responsible for keeping the headstone in good repair.
16. **Planting** means any tree, shrub, creeper, climber, perennial, annual or biannual plant, or any seeds for such which are placed in the ground can not be readily picked up for movement.
17. **Working hours** means regular hours of work from 8 am to 4:30 pm Monday through Friday excluding declared or statutory holidays.
18. **FORM-** is a Cemetery form. Most forms that the public need to complete are available on the Sacred Heart Parish website (<http://www.sacredheartrd.ca/mount-calvary-cemetery.html>).

## Plot Holder Duties, Rights and Powers

19. The plot holder shall notify the Cemetery of any changes in their mailing address or contact information. Notice sent to the plot holder at the last known address on file shall be considered sufficient and proper legal notification. If no contact information is on file notification is not required.
20. It is the plot holder's responsibly to ensure all headstone installed on their plot remain in good condition.
21. If a neglected headstone is not repaired by family within 30 days of notification by the Superintendent, the Superintendent has the power to repair such headstone and charge the costs to the headstone owner, the plot holder or the deceased person's next of kin.
22. Before any headstone is ordered or purchased, **FORM-HEADSTONE** is to be completed, submitted to the Superintend and returned with approval from the Superintendent

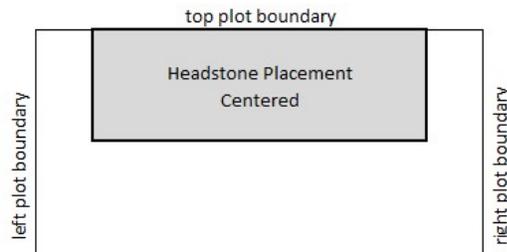
## Columbarium

23. No vase or any other item may be attached to a niche door or anywhere else on the columbarium.
24. Flowers can be placed on cement pad for columbarium provided they do not block access.
25. Any items deemed inappropriate or restricting access will be removed without notice.

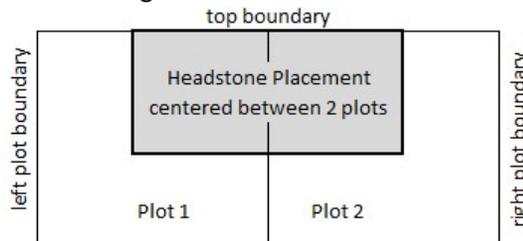
## Headstones

26. All persons employed in the construction and placement of headstones, or doing work in the Cemetery, whether employed by the Cemetery or not, shall be subject to the direction and control of the Superintendent.
27. No person shall install or cause to be installed or remove any headstone without submitting form FORM-HEADSTONE and receiving approval from the Superintendent.

28. Headstone installations are permitted May 1 through October 15 weather permitting.
29. No uninstalled headstones are permitted within the cemetery. All headstones must be installed in the ground upon being brought to the Cemetery.
30. When a plot holder purchases a headstone, the monument company is to have a completed FORM-HEADSTONE signed by the Superintendent prior to starting work on any headstone. Otherwise headstone installation may be refused.
31. Monument company is to collect current headstone permit fee (stipulated on current FORM-HEADSTONE) and submit to Sacred Heart Parish prior to headstone install.
32. Headstones with a maximum height of twenty-one (21) inches, measured from the highest point to grass level are permitted.
33. Full grave covers are no longer permitted.
34. Headstones may include the following styles: flush to ground, 6/4 pillow with or without base, 8/5 pillow with or without base, upright with or without base, bench depending on location in cemetery.
35. All foundations and headstones shall be confined within boundaries of the respected plot.
36. All headstones are to be installed near the head of the deceased in accordance with the directions set in the Cemetery layout.
37. Headstones shall be constructed of granite, marble, or bronze.
38. Headstones are not permitted to be installed on Saturdays, Sundays, or holidays unless permission in writing has been granted by the Superintendent.
39. Foundations must be granite or 3400PSA concrete and must be mounted flush with the ground.
40. Foundations may not exceed 24 inches in width along plot length.
41. Foundations must be at least four (4) inches in thickness.
42. Foundations placed on single plots must be placed along top plot boundary and centered over plot width as shown in the diagram below.

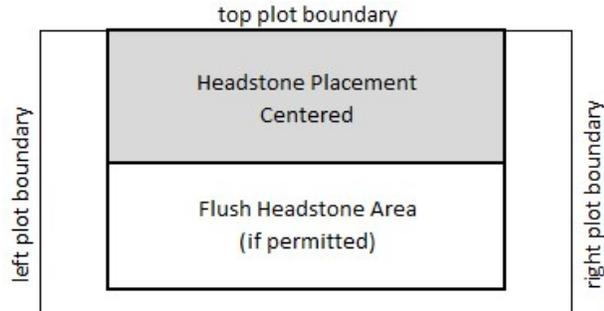


43. Foundations placed on double plots must be placed along top plot boundary and centered over double plot width as shown in the diagram below.



44. Foundations must be at least three (3) inches larger on each side than the attached headstone.
45. Each level of the headstone including foundation, base, pillow, upright, bench must be at least three (3) inches smaller on each side than lower level.

46. Flush mounted headstones do not require foundations, but can not exceed the maximum foundation size allowed.
47. Some plots may allow additional flush headstones within the second two feet of the plot length. In such cases the headstones must be flush to the ground and no larger in size than the above ground headstones. The table below shows the plots where this is permitted.



48. Headstone must be placed in a direction such that when standing at the bottom plot boundary and facing the top plot boundary, the headstone writing is easily readable unless otherwise stipulated by the Superintendent.
49. All headstones shall be placed in such a manner as to maintain whenever possible, a proper alignment in accordance with the Cemetery Plan annexed and forming part of this bylaw.
50. Maximum foundation sizes depend on plot size and location. The table below shows the maximum size foundation for single plots, and if the maximum foundation size is used, the maximum size of the above ground portion of the headstone. Above ground sizes are dependent upon foundation size in in keeping foundation at least three (3) inches larger on each side than the above ground portion of the headstone. All measurements are in inches.

Plots Row	Plot		Marker Style		Foundation		Above Ground		
	Width	Length	1st 2 ft	2 <sup>nd</sup> 2 ft	Width	Depth	Width	Depth	Height
A	36	96	Various	None	30	24	24	18	21
C	11	11	Door	None	0	0	0	0	0
D	48	96	Various	None	42	24	36	18	21
E-L	48	96	Various	Flush	42	24	36	18	21
M	48	144	Various	Flush	42	24	36	18	21
N1 - N21	48	144	Various	Flush	42	24	36	18	21
N22- N34	48	144	Flush	None	42	24	36	18	21
N35-N45	24	24	Flush	None	24	18	0	0	0
N46-50	24	24	Flush	None	20	20	0	0	0
O, P-V	48	96	Various	Flush	42	24	36	18	21
W	48	96	Various	Flush	42	24	36	18	21

51. The table below shows the maximum size foundation for double plots, and if the maximum foundation size is used, the maximum size of the above ground portion of the headstone. Above ground sizes are dependent upon foundation size in in keeping foundation at least three (3) inches larger on each side than the above ground portion of the headstone. All measurements shown are in inches.

Plots Row	Double Plot		Marker Style		Foundation		Above Ground		
	Width	Length	First 2 ft	Second 2 ft	Width	Depth	Width	Depth	Height
A	72	96	Various	None	54	24	48	18	21
D	96	96	Various	None	66	24	60	18	21
E-L	96	96	Various	Flush	66	24	60	18	21
M	96	144	Various	Flush	66	24	60	18	21
N1 - N21	96	144	Various	Flush	66	24	60	18	21
N22- N34	96	144	Flush	None	66	24	60	18	21
N35-N45	48	24	Flush	None	42	18	0	0	0
N46-50	48	24	Flush	None	42	20	0	0	0
O, P-V	96	96	Various	Flush	66	24	60	18	21
W	96	96	Various	Flush	66	24	60	18	21

52. All persons installing headstones shall ensure that the surrounding areas are left in the same condition or as close to the same condition as found.
53. No work shall be done on any headstone nor shall any headstone be removed from any grave or plot without permission from the Superintendent.
54. Headstone or permanent grave marker shall be placed in grave plot after the interment of human remains. If a headstone is installed prior to burial, the Cemetery may request that it be moved prior to burial at the plot holder or family's expense.
55. No item, other than an approved vase, shall be attached to a headstone without preapproval by the Superintendent. Any items affixed to the headstone without permission will be removed without notice.

## Superintendent Duties, Rights and Powers

56. All powers granted to the Superintendent by this bylaw shall be subject to supervision of Sacred Heart Parish.
57. The Superintendent shall have the charge of the Cemetery and control over all people employed there.
58. It shall be the Superintendent's duty to have plots available for the burial of human remains at all times.
59. The Superintendent shall have authority to order the plots and graves in any particular section of the Cemetery in any direction they may consider suitable.
60. The Superintendent shall have authority to remove any weeds, grass, funeral designs or wilted floral pieces, or any other article or thing which in their opinion is unsightly.
61. The Superintendent may remove any trees, bushes or plants situated on or about the Cemetery that become detrimental to adjacent plots, walks, roadways, or detract to the general appearance of the Cemetery grounds or are dangerous or inconvenient to the public or any part thereof.
62. The Superintendent has the right to remove fences, borders, railings, walls, hedges, copings and other enclosures now in existence as they may deem advisable on any Cemetery plot.

63. The Superintendent, or a member of the RCMP, or any other person in charge of the Cemetery may evict using force as is reasonably necessary, or deny entrance to any person who disturbs the quiet or good order of the Cemetery by improper noise, improper conduct or other means.
64. If a headstone becomes neglected, the Superintendent is to notify the headstone owner or family as to the required repairs to be made in writing giving 30 days notice for improvement.
65. If a neglected headstone is not repaired by family within 30 days of notification by the Superintendent, the Superintendent has the power to repair such headstone and charge the costs to the headstone owner, the plot holder or the deceased person's next of kin.
66. When, in the opinion of the Superintendent, any item located on all or part of a plot other than a preapproved headstone becomes a hazard or is in a state of disrepair, the Superintendent has the right to remove without notice the item.
67. The Superintendent may remove any headstone from a plot when necessary to gain access to another plot, provided that such headstone is reinstalled in a like manner.
68. The Superintendent may remove any headstone that has been installed prior to plot interment at the expense of the plot holder when necessary for interment of that plot.
69. The Superintendent has the sole right and authority to erect tents, adjust leveling devices and to trim grass at any location in the Cemetery and the person ordering work shall supply all the necessary safe and proper material to perform such work.
70. The Superintendent has the authority to designate certain areas of the Cemetery as allowing only flush with ground headstones. It is the responsibility of the Superintendent to inform plot owners of these requirements when the plot is purchased.

## Plots

71. All interments shall be made according to the plans of subdivision of the Cemetery for burial purposes. These plans shall be made available for inspection free of charge at Sacred Heart Parish during normal office hours. Interment records shall be kept in accordance with these plans.
72. The Superintendent shall supervise the sale of all plots and niches in the Cemetery.
73. The Superintendent shall forward all monies to Sacred Heart Parish.
74. The Superintendent shall provide the plot holder with a receipt immediately upon paying the purchase price for a plot.
75. No buffer exists between plots. Boundaries are shared between plots.
76. Plots may be transferred from one family member to another. The transfer must include a FORM-EXCHANGE with the administration fee paid and be registered with Sacred Heart Parish. Plots may not be resold to any other party.
77. The plot holder may return the plot to the Cemetery and shall be entitled to a refund of 85% of the original purchase price.
78. If a plot is held by two or more persons, an order for interment in such plot will be accepted from any one of the said persons or their personal representatives.
79. No plot holder may accept any fee or reward for interment of a body into their plot.
80. Plots shall only be used for burial of human remains or created remains of human bodies.

## Burials

81. The Cemetery requires 72 hours notice prior to all interments.

82. Interment or disinterment of a body or cremains shall not take place until a permit for interment/disinterment is issued by the Provincial Director of Vital Statistics and delivered to the Superintendent.
83. Burial shall not be permitted unless a proper burial permit is produced by the party applying for the interment.
84. All interment applications shall be signed by the plot holder or the legal representative of the plot holder, except in the case of Funeral Homes who have entered into an agreement with the Cemetery where the said Funeral Home agrees to be responsible for all interments ordered by phone or otherwise.
85. No interment shall be permitted until the Cemetery FORM-INTERMENT has been completed and given to the caretaker of the Cemetery.
86. No burial, interment or funeral service shall be permitted on a Sunday except by written permission from the Superintendent which may be granted only in the case of an emergency or circumstances which by the opinion of the Superintendent are justified and necessary.
87. Funeral processions must reach the Cemetery no later than 3pm on the date of burial or an overtime charge will apply if it is necessary for workmen to remain after their usual working hours.
88. In the case of a winter burial (between November 1 and April 30) a surcharge of up to \$500 may apply for extra ground preparation.
89. The caretaker or plot holder shall give precise instructions regarding the size and location of the grave, and the Cemetery shall not be responsible for any errors resulting from lack of proper instructions.
90. Graves shall be dug and interment made only by persons supervised by the Superintendent and under the direction of the caretaker.
91. No person not under the control or supervision of the Superintendent shall open any grave for the purpose of interning or removing a body.
92. Graves for the burial of a deceased person aged five (5) years or older must be at least six (6) feet in depth from the surface of the ground surrounding the grave.
93. Graves for the burial of a deceased person aged less than five (5) years must be at least five (5) feet in depth from the surface of the ground surrounding the grave.
94. Graves for the burial of a stillborn child must be at least four (4) feet in depth from the surface of the ground surrounding the grave.
95. Graves for the burial of cremains must be at least eighteen (18) inches in depth from the surface of the ground surrounding the grave.
96. Cremains may be buried in the ground but may not be scattered in any area of the Cemetery.
97. All casket burials in the Cemetery require the use of an approved vault or liner. The base of the liner must be at least six (6) foot deep to allow for at least three (3) feet of soil above the top of the liner or vault lid.
98. Concrete liners are required on treed hill area and non-level ground as they are more stable. Plastic liners are acceptable on level ground.
99. No double depth burials are allowed.
100. No second interment shall be permitted in any plot on which there are unpaid charges due and payable to the Cemetery.

101. The maximum number of caskets and cremation that may be placed in one plot is shown in the table below depending on plot size and location. The table shows the number of caskets (body) and additional urns (+Urn) that may be buried in one plot. As an alternative, the table shows the total number of urns that may be buried in one plot when no caskets are present.

Plots Row	Plot		Burials		
	Width	Length	Body	+Urn	Urn Only
A	36	96	0	0	2
C	11	11	0	0	2
D	48	96	1	2	2
E-L	48	96	1	2	4
M	48	144	1	2	4
N1 - N21	48	144	1	2	4
N22- N34	48	144	1	2	4
N35-N45	24	24	0	0	1
N46-50	24	24	0	0	1
O, P-V	48	96	1	2	4
W	48	96	1	2	4

102. Request to intern cremains into an occupied plot and or place a marker by other than the plot holder, must be accompanied by written permission of the deceased's executor or all the like members, net of kin, of the original deceased's family.
103. In the case that a plot is sold for a full burial and cremains, the full burial must take place before the cremains. See Superintendent for alternatives.
104. The Superintendent shall furnish graves in the Cemetery, without charge, for unclaimed bodies of deceased persons.
105. The burial of destitute or indigent persons and unclaimed bodies shall be in such portion or portions of the Cemetery as may from time to time be designated by the Superintendent.
106. All work in the immediate vicinity of a grave shall be discontinued during the burial service.
107. All burials within the limits of the Cemetery shall be under the supervision and control of the Superintendent.

## Vehicles in the Cemetery

107. The maximum speed for any vehicle in the cemetery is 10 km per hour.
108. The Superintendent may prohibit the driving of any vehicle in any part of the cemetery.
109. The Superintendent may prohibit the driving of any vehicle in the cemetery when roads are in unfit condition.
110. Unless authorized by the Superintendent, no bicycle, motorcycle, or horse shall be allowed in the cemetery except when it is part of a funeral procession.
111. The owner of any vehicle shall be responsible for any damage done by such vehicle within the boundaries of the cemetery.

## General Provisions

112. No persons shall disturb the quite or good order of the Cemetery by improper noise, improper conduct, or other means.
113. No employee of the Cemetery shall accept a bribe or gratuity for services rendered or to be rendered.
114. Any Society desiring to hold a memorial service shall give the Superintendent at least ten (10) days written notice of their intension to do so.
115. Unless permission has been granted from the Superintendent, no person shall remove, destroy, prune or otherwise interfere with any tree, bush, or plant in the Cemetery. All trees and plants shall be planted only by employees of the Cemetery under the direction of the Superintendent.
116. Fences, railings, walls, copings, hedges, or plantings in or around plots are not permitted.
117. No person shall destroy, damage, deface or write upon any headstone, columbarium, other structure, or object in the Cemetery.
118. No person shall deposit any paper, sticks, or refuse of any kind on any portion of the land within the Cemetery boundaries except in receptacles provided for that purpose.
119. No person shall remove the sod in graves or from any portion of any plot in the Cemetery without first obtaining written consent of the Superintendent.
120. All grading, seeding of grass, and sod work shall be done under the direction of the Superintendent and by Cemetery employees.
121. No person, other than the Superintendent, an employee of the Cemetery, or plot holder or their agent, shall be permitted to care for any plot.
122. Benches of an approved style may be permitted in the Cemetery by the Superintendent and under such conditions are the Superintendent may order.
123. The tops of plots or graves shall be kept level with the surrounding ground.
124. No animal shall be allowed in the Cemetery unless on a leash and accompanied by an adult person.

## Provisions for Rules & Regulations

125. The Cemetery may make rules and regulations not inconsistent with this Bylaw for the effectual carrying out of the bylaw and for the efficient management, control and regulation of the Cemetery.
126. The Cemetery shall determine policy respecting the sale of plots and the location and extent of all plots offered for sale to the public.

## Penalty

127. Any person who commits a breach of any provision of the Bylaws shall upon conviction for such breach, be liable to a penalty not exceeding one hundred (\$100) dollars exclusive of costs, or in the case of non-payment of the fine and costs impose to imprisonment for any period not exceeding sixty (60) days.
128. The Cemetery will pay a reward of \$25 to any person for information that leads to an arrest.