

TOWN OF CANMORE

BYLAW NUMBER 20-2009

PROVINCE OF ALBERTA

**BEING A BYLAW OF THE TOWN OF CANMORE IN THE
PROVINCE OF ALBERTA TO PROVIDE FOR THE
REGULATION AND CONTROL OF THE CEMETERY**

WHEREAS

The Municipal Council for the Town of Canmore has authority to pass bylaws providing for the control and regulation of the Cemetery operated by and under the control of the municipality.

**NOW
THEREFORE**

The Municipal Council of the Town of Canmore, duly assembled, enacts as follows:

1.0 CITATION

1.1 This Bylaw shall be known as the “**Cemetery Bylaw**”.

2.0 DEFINITIONS

2.1 In this Bylaw unless the context otherwise requires:

- .1 “**Burial**” is the opening and preparation of the Cemetery Plot for burial, lowering and installation of the grave-liner, and the back filling of the Cemetery Plot.
- .2 “**Cemetery**” means lands leased or owned by the Town or operated by or under the control of the Town.
- .3 “**Certificate of Easement**” is a land easement (Plot/Niche) for the sole purpose of an Interment.
- .4 “**Columbarium**” shall mean a structure designed for storing the ashes of human bodies or remains that have been cremated.
- .5 “**Council**” means the Mayor and Councilors of the Town of Canmore acting as a Council at duly assembled meetings thereof.
- .6 “**Director**” shall mean the Chief Administrative Officer for the Town of Canmore or their designate.
- .7 “**Double Plot**” means a 2.1m x 3.0m (7 ft x 10 ft) grave plot as shown on a Cemetery plan of record.
- .8 “**Fee**” means monies charged as set in the “Town of Canmore- Master Fee Schedule”.
- .9 “**Foundation**” means a rectangular concrete base to support a Monument or Memorial Tablet.
- .10 “**Funeral Party**” shall mean the gathering or assembly of people at the graveside at the time of interment.

- .11 "**Grave**" shall mean an excavation in a plot for the Interment of human remains and ashes.
- .12 "**Indigent**" means those persons who are residents of the Town at the time of Interment and whose financial means are not sufficient to cover the fees for Interment.
- .13 "**Interment**" means the burial or placement of human remains or cremated remains in a grave site or Columbarium.
- .14 "**Memorial Tablet**" means a structure of bronze, marble, granite or other material for memorial purposes placed on any Plot, level with the surrounding ground.
- .15 "**Monument**" means a structure of bronze, marble, granite or other material which projects above the level of the surrounding ground, to a maximum of 1.0m (3.28 ft).
- .16 "**Next of Kin**" shall mean the spouse, children, grandchildren, parents or siblings of the deceased.
- .17 "**Niche**" shall mean a 305mm x 305mm x 407mm (12" x 12" x 16") compartment within a Columbarium designed for storing the ashes of human bodies or human remains that have been cremated.
- .18 "**Niche Cover**" shall mean a door or plate that is used to open/close a Niche.
- .19 "**Non-Resident**" shall be a person who does not qualify as a Resident.
- .20 "**Owner**" shall mean the person who purchases a Plot from the Town or the legal representative of such person.
- .21 "**Perpetual Care**" is for the establishment of grass on the Cemetery Plot and the maintenance of the Plot, in perpetuity, by the Town of Canmore.
- .22 "**Resident**" shall mean a person;
- .1 Who resides within the Town of Canmore
 - a) at the time of their demise or
 - b) at the time they make an application to purchase a Plot/Niche.

Or
 - .2 Who owns a property within the Town Corporate Limits or is the current spouse or dependant child of a person who owns a property in the Town
 - a) at the time of their demise or
 - b) at the time they make an application to purchase a Plot/Niche.

Or
 - .3 Who previously resided or owned property within the Town Corporate Limits for a period of not less than fifteen (15) consecutive years. A person meeting this criterion may apply to purchase a Plot/Niche at the Resident rate provided a properly executed affidavit of residency is submitted at the time of purchase.

- .23 "**Single Plot**" means a 1.2m x 3m (3.5 ft x 10 ft) grave plot as shown on a Cemetery plan of record.
- .24 "**Town**" means the Municipal Corporation of the Town of Canmore, or the area contained within the boundaries thereof, as the context requires.
- .25 "**Unidentified**" means those persons who are Residents of the Town at the time of Interment but whose identity is not known or readily discoverable.

2.2 Words importing the singular only also include the plural and vice versa where the context requires.

3.0 **RESPONSIBILITIES**

3.1 This Bylaw 20-2009 is in addition to, and shall not take precedence over the "Cemeteries Act" the Revised statutes of Alberta 1980, Chapter C-2 with amendments in force as of January 5, 2010.

3.2 Officials:

- .1 The Director shall be responsible for the enforcement of this Bylaw as it relates to sales, certificate of ownership, arrangements for Interments and all general relations with the public.
- .2 The Director shall be responsible for the enforcement of this Bylaw as it relates to improvements, care and maintenance, operation and supervision of the Cemetery, the Plots therein and the conduct of Interments.
- .3 The Director may construct, erect, place or cause to be constructed, erected or placed, or allow to be constructed, erected or placed in the Cemetery:
- a) a Columbarium for the placement of cremated remains;
 - b) benches, seating, walkways and laneways; and
 - c) such other structures, developments and improvements deemed necessary for the proper operation of the Cemetery.

3.3 Plot Owners:

- 1 Unless permission has been obtained from the Director, no person shall remove, destroy, prune or otherwise interfere with any trees, shrubs, plants or flowers in the Cemetery. All tree, shrubs, plants, or flowers shall be planted only under the direction of the Town.
- .2 No person shall place or deposit any glass-encased wreath on a Plot.
- .3 No person shall remove any sod or earth from any portion of the Cemetery without first obtaining the consent of the Director.



.4 The top of Plots or Graves shall be kept level with the surrounding ground.

4.0 **GENERAL PROVISIONS**

4.1 No trees, shrubs, plants or flowers shall be removed from the Cemetery unless permission from the Director has first been obtained.

4.2 The Town may remove from or prohibit any person placing in the Cemetery any stand, holder, vase or other receptacle for flowers or plants, or any flower pots, jars, bottles, iron or wire work or any ornaments or construction of any kind which the Town deems to be unsightly or otherwise unsuitable for such Cemetery.

4.3 The Town may remove from or prohibit any person from placing mementoes, flowers or any other items on the Columbarium or Niche Covers.

4.4 If, in the opinion of the Town, any trees, shrubs, or plants on any Plot become detrimental to adjacent Plots, walks, or driveways, or prejudicial to the general appearance of the grounds, the Town shall have the right to remove any such trees, shrubs, plants, or any parts thereof.

4.5 The Town may remove from all Plots, any weeds or grass and may also remove any floral pieces which have become wilted or otherwise unsightly.

4.6 All persons employed in the construction, erecting of Monuments; Foundations; Memorial Tablets; Niche Covers or doing other work in the Cemetery, whether employed by the Town or not, shall be subject to the direction and control of the Director.

4.7 The Director shall have the right to remove from the Cemetery any person who disturbs the quiet or good order of such Cemetery whether by noisy or improper conduct or otherwise.

4.8 Any society desiring to hold a memorial service shall give the Town at least 10 (ten) days notice of their intention to do so.

4.9 The plans of land used for Cemetery purposes shall be open for inspection free of charge at any time during which the municipal offices are open to the public.

4.10 The Town shall record all Interments in accordance with the plans of the lands used for Cemetery purposes.

4.11 No person shall erect borders, fences, railing, walls, copings, rails, curbs, or plant hedges, trees, in or around any Plot.

.1 The Director shall have the right to remove such fences, borders, railings, walls, hedges, curbs, copings and other enclosures now in existence as he may deem advisable after notice of his intention to do so has been given to the Owners thereof.

4.12 On payment of the full price of any Plot, the Town will, so far as funds are available for that purpose, do all that is necessary to keep the said Plot in a neat and tidy condition.



- 4.13 No person shall ride or drive a bicycle or other vehicle over any Plot or Boulevard in the Cemetery.
- 4.14 The owner of any vehicle shall be responsible for any damage done by such vehicle in the Cemetery.
- 4.15 The Director may prohibit the driving of vehicles in any part of the Cemetery.
- 4.16 No animal shall be allowed in the Cemetery, "Except animals used for human assistance such as seeing-eye dogs, etc.", subject to Section 5 of the Statutes of Alberta, Chapter B-6, Blind Person's Rights Act.
- 4.17 No person shall destroy, damage, deface or write upon any Monument, Memorial Tablet, Niche Cover or other structure or object in the Cemetery.
- 4.18 No person shall enter or use any portion of the Cemetery for purposes of recreation or entertainment, including camping, picnicking and social gathering.
- 4.19 No fires are permitted within any portion of the Cemetery.
- 4.20 Monuments are placed in the Cemetery at the Owner's risk. The Town shall not be held responsible for any damage, destruction or defacement to any Monument, Memorial Tablet, Niche Cover, grave or other structure or object in the Cemetery except for damages resulting during the performance of its normal duties.
- 4.21 No person shall enter any portion of the Cemetery, which is set apart for nursery grounds, garden, or storage area, without first having obtained the consent of the Director.
- 4.22 Funeral Parties must reach the Cemetery no later than 3:00 p.m. A charge for overtime will be made, in accordance with the "Town of Canmore Force Account Rates", if it is necessary for Town employees to remain after their usual working hours.
- 4.23 All Funeral Parties shall be under the supervision and control of the Director while they are within the Cemetery.
- 4.24 No person shall disinter human remains or ashes from the Cemetery without written authorization of the Director and no such authorization shall be provided without:
- .1 Written application from the Owner of such Grave; and
 - .2 A permit for such disinterment from the Provincial Director of Vital Statistics (Alberta);
 - .3 A directive from a Court or law enforcement agency having appropriate authority and jurisdiction.

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4.25 The body of any person which was infected at the time of death with any specified communicable disease, as defined in the regulations to the PUBLIC HEALTH ACT (Alberta), shall not be taken into any church, chapel or public vault within the Town or the Cemetery but shall be transferred directly from the place of death to the place of Interment and no person except the officiating Clergyman, Funeral Director and those whose attendance is absolutely necessary, shall attend the funeral or Interment of any such body unless the said body has been placed in an air tight sealed metal coffin liner in accordance with the regulations to the PUBLIC HEALTH ACT (Alberta).

5.0 PLOTS/NICHES

5.1 The Town shall keep proper records and plans and each Plot/Niche in the Cemetery shall be shown numbered on such plans. The records kept by the Town shall show the Owner of each such Plot/Niche together with all other information required pursuant to the CEMETERIES ACT (Alberta) and regulations passed thereunder.

.1 Such records shall be available for inspection by:

- a) a police officer carrying out law enforcement duties; or
- b) a relative of a deceased person whose Interment is listed in the records.

5.2 The Town may divide the Cemetery into areas and may reserve any such areas in the Cemetery for:

- .1 the Interment of the remains of persons belonging to a specified religious denomination;
- .2 the Interment of the remains of persons who at any time were with or were attached to, the Naval, Army or Air Forces of Her Majesty or a power allied or associated with Her Majesty;
- .3 the Interment of the remains of homeless or unidentified persons; or
- .4 the Interment of the remains of stillborn children.

5.3 The Town shall determine the location of any and all Plots that are to be sold.

5.4 The Town will allow 4 (four) additional cremation Interments in a preoccupied casket Plot. The Interments will be centrally located within the Plot and run the length of the Plot.

5.5 The Town will allow 8 (eight) cremation Interments in a Single Plot. If the Plot is purchased for cremation Interments and after one completed Interment the Plot shall remain as a cremation Plot only.

5.6 The Town or any of its employees shall not be responsible for any mistake resulting from lack of precise or proper instructions regarding the Grave space in a Plot where an interment is to be or has been made or for any damage resulting to any person thereby.

- 5.7 The right to use any vacant space may be transferred only from one family member to another family member provided that:
- .1 the Owner or their legal representative signifies, in writing, to the Director to transfer their rights to another family member;
 - .2 the Director is provided with the full particulars of the name, address or other description of the person to whom such transfer is desired to be made and the consideration to be paid therefore;
 - .3 a transfer Fee as specified in the "Town of Canmore - Master Fee Schedule" shall be paid to the Town at the time of the application for transfer;
 - .4 after the transfer is affected, any Interment made in the Grave space shall be subject to the Interment fees specified in the "Town of Canmore - Master Fee Schedule".
- 5.8 The Town shall have the right to refuse to sell the use of more than 4 (four) Single Plots or Niches to any one individual or estate.
- 5.9 If the Town for any reason deems a previously purchased Plot unusable, the Town will supply a similar Plot at no cost to the original Owner and the original Plot shall revert back to the Town.

6.0 INTERMENTS

- 6.1 No Interment shall be permitted in the Cemetery unless a proper Interment permit is produced to the Director by the party applying for the Interment. All applications for Interments shall be made during regular business hours, provided that such time, as may reasonably be required, shall be allowed for the opening of a Grave and in any case no less than 48 (forty-eight) business hours prior to the Interment or in the case of frost conditions 72 (seventy-two) business hours, except as otherwise allowed by the Director.
- 6.2 Funeral Directors shall have all applications for Interments in the Cemetery signed by the Owner of the Plot or Grave in which such Interment is to be made, or by legal representatives of such Owner.
- 6.3 Interment Options:
- .1 A single Interment (casket) in a Single Plot, includes Infant (under 1 yr.), Youth (1-12 years), pre-teens, teens and Adults.
 - .2 A double Interment (casket) in a Double Plot.
 - .3 The Interment of the cremated remains of a spouse with a predeceased veteran in the *Field of Honour Section*.
 - .4 A single Interment (casket) in a Single Plot in the *Field of Honour Section* (Former members of Her Majesty's Armed Forces).



- .5 Multiple Interments of a maximum of 4 (four) Interments of cremated remains in a pre-occupied (casket) Single Plot.
- .6 Multiple Interments of a maximum of 8 (eight) Interments of cremated remains in a Single Plot, solely for cremated Interments only.
- .7 A Columbarium Niche holds 2 (two) urns of cremated remains. Owners are solely responsible for purchasing urns that will allow 2 (two) urns to fit within the area inside the Niche.

6.4 No Interment shall be permitted until the “*Interment Application*” form provided by the Town has been completed.

6.5 Concrete burial liners (or grave-liners) are mandatory on all regular casket Interments that are of an approved design according to the specifications that follows:

- .1 The grave-liner will have a base and top designed for ease of handling and eliminates the need to enter the Grave. The construction components shall be 40 MPA structural concrete reinforced with re-bar and a fiber-mesh product.
- .2 The grave-liner must fit in a 2340mm x 915mm (8 ft x 3 ft) cavity.
- .3 Arrangements to purchase a grave-liner shall be made with the Funeral Director that is administering the Interment.

6.6 There shall be no Interments made on Sundays or holidays unless such Interment is permitted in writing by the Director and in such case fees will be charged in accordance with “the Town of Canmore - Master Fee Schedule”.

6.7 Graves shall be dug and Interments made only by persons employed by the Town and under the direction of the Director, and no person or persons not in the employment of the Director shall open any Grave for the purpose of interring or removing a body.

6.8 No Grave for the Interment of an adult body shall be less than 1.8 m (6 ft) in depth from the surface of the ground surrounding the Grave.

7.0 **MONUMENTS, MEMORIAL TABLETS AND NICHE COVERS**

7.1 Monuments, Foundations, Memorial Tablets shall not be installed prior to Interments except on a Double Plot where a marker is installed, which provides for the memorialization of 2 (two) persons where 1 (one) has predeceased the other and has been interred.

7.2 No Monument, Foundation or Memorial Tablet, shall be erected or placed in the Cemetery until:

- .1 the design and description thereof has been approved; and

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- .2 a permit for the erecting of such Monument or placement of such Memorial Tablet, has been issued. The fee for "Monument Erecting Permit" shall be as set forth in "the Town of Canmore - Master Fee Schedule".
 - .3 A locate is required to determine proper placement of a Monument, Foundation or Memorial Tablet; a locate fee will be charged as per the manpower force rate account which shall be set forth in "the Town of Canmore - Master Fee Schedule".
 - .4 In regards to any Monument, Foundation or Memorial Tablet installation, arrangements must be made 48 (forty-eight) business hours in advance for access with the Director.
- 7.3 The purchase of a Niche includes the supply of granite Niche Cover. At the expense of the Owner, the Niche Cover can be etched with lettering and pictures in a font determined by the Director.
- 7.4 A Niche Cover shall not be removed/installed for the purpose of etching without a "Niche Cover Erecting Permit" as set forth in "the Town of Canmore- Master Fee Schedule"
- 7.5 Niche Covers shall not be etched until an Interment application is received, at which time the Owner, may in addition to the Interment application, request a "Niche Cover Erecting Permit".
- 7.6 A Niche Cover shall not be removed for the purpose of repair or etching additional lettering into the granite without a "Niche Cover Removal Permit" as set forth in "the Town of Canmore- Master Fee Schedule.
- 7.7 No work shall be done upon any existing Monument, Foundation, or Memorial Tablet without:
- .1 A full description of the work required and thereof has been approved and permission has been granted by obtaining a "Monument Removal/Repair Permit". The fee for "Monument Removal/Repair Permit shall be as set forth in "the Town of Canmore - Master Fee Schedule".
 - .2 Nor shall any Monument, Foundation, or Memorial Tablet be removed from any Grave Plot without first obtaining an approved "Monument Removal/Repair Permit", which will include a full description of the work required, location of the Plot the dates of the start and completion of the work required.
 - .3 If a locate is required to determine the proper location of a Monument or Memorial Tablet that is to be repaired or removed, a locate fee will be charged as per the manpower force rate account which shall be set forth in "the Town of Canmore - Master Fee Schedule".
 - .4 In regards to any Monument, Foundation or Memorial Tablet repair/removal, arrangements must be made 48 (forty- eight) business hours in advance for access with the Director.

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- 7.8 No person shall do any Monument, Foundation, or Memorial Tablet work in the Cemetery:
- .1 without written authorization;
 - .2 on a Saturday, Sunday or other holiday; and
 - .3 between the hours of 4:30 p.m. and 8:30 a.m. Monday to Friday.
- 7.9 Monument, Memorial tablets for multiple burials of 8 (eight) cremated Interments in a Single Plot:
- .1 When the Plot is purchased for the intent to accommodate 8 (eight) cremated Interments, the Owner shall consider at that time the design of the Monument/Memorial Tablet, that there are areas reserved to accommodate the additional Interments; or utilize the individual Memorial Tablets option as specified in section (2).
 - .2 Memorial Tablets for multiple burials of 4 (four) cremated remains in a pre-occupied Plot (casket) with an existing Monument/Memorial Tablet, the Memorial Tablets shall be placed above each cremated remain Interment. The individual Memorial Tablet for this application shall be 508mm x 305mm (20 in x 12 in) in size.
- 7.10 The surface area of the Plot shall control all Monuments and Memorial Tablets sizes. The face area of a Monument shall not exceed 15% of the area of the Plot on which it is to be erected and the length of the base shall not exceed 75% of the width of the Plot. The base area of the Monument shall not exceed 9% of the area of the Plot.
- .1 Monuments with a face area of 0.56-m sq. (6 sq ft) or less shall be not less than 100mm (4 in) in thickness.
 - .2 Monuments of a face area of 1.1-m sq. (12 sq ft) and more than 0.56-m sq. (6 sq ft) shall be not less than 150mm (6 in) in thickness.
 - .3 Monuments exceeding 1.1-m sq. (12 sq ft) in face area shall be not less than 200mm (8 in) in thickness. The base of a Monument shall not exceed 25% of the total height of the Monument.
- 7.11 Before any Monument, Foundation or Memorial Tablet is erected or placed in the Cemetery, the Town shall in all cases designate the area where the material to be used will be placed during the course of erecting or excavation. All workers moving any heavy material over Plots and paths shall move such material on planks or in some other method which will do as little damage as possible to such Plots and paths.



- 7.12 Not more than one Monument or Memorial Tablet shall be erected on any one Plot, irrespective of its size, except for multiple Grave plots where one Memorial Tablet with a flat and level surface for each Grave will be, such Memorial Tablet to be set level with the surface of the surrounding area. Memorial Tablets of individual Graves shall not exceed 660mm x 355mm (26 in x 14 in) in surface area and shall be not less than 100mm (4 in) in depth and be properly set in concrete.
- 7.13 No monumental work shall be delivered to the Cemetery until the area of the Grave Plot is sufficiently developed for placement and/or until a Foundation is completed.
- 7.14 All Foundations, whether pre-cast or poured on site for the erecting of Monuments, shall be the sole responsibility of the firms who are retailing or handling Monuments. Measurements for width, length and depth may be modified or altered for special Monuments subject to the approval of the Director. Foundations of all Monuments shall extend 100mm (4 in) in all directions beyond the bottom base.
- 7.15 All Foundations for Monuments and Memorial Tablets shall be confined within the boundaries of the respective Plots, and all Monuments and Memorial Tablets shall be placed in such a manner as to maintain wherever possible, a proper alignment.
- 7.16 All Memorial Tablets placed upon a Plot or Grave shall be of granite, marble, stone or bronze and shall not project above the surface of the ground except when erected as a Monument. Bronze Memorial tablets shall be blind mounted or tamper proof hardware mounted, on a concrete base.
- 7.17 On Single Plots the Memorial Tablet (granite, marble, stone) shall not exceed 660mm x 355mm (26 in x 14 in).
- 7.18 On Double Plots the common Memorial Tablet (granite, marble, stone) shall not exceed 915mm x 355mm (36 in x 14 in).
- 7.20 The use of bronze is approved for inscription plates (ribbons) when attached to Monuments or Memorial Tablets of natural stone, provided the bronze has been cast from an alloy containing not less than 85% copper and not less than 5% lead. No other metals are approved for such use unless they are substantially non-corrosive and are of proven permanency. Bronze inscription plates (ribbons) shall be blind mounted or mounted with tamper proof hardware.
- 7.21 All bronze Memorial Tablets shall be blind mounted or tamper proof hardware mounted and properly set in a concrete base which shall be not less than 100mm (4 in) in depth. All foundations for Memorial Tablets shall be confined within the boundaries of the respective Plots, they shall be placed in such a manner as to maintain wherever possible, a proper alignment. On Single Plots the Memorial Tablet shall not exceed 660mm x 355mm (26 in x 14 in). On Double Plots the common Memorial Tablet shall not exceed 915mm x 355mm (36 in x 14 in).
- 7.22 Except as otherwise provided in this Bylaw, the Town shall report to the Owner any Monument out of repair and it shall be the duty and obligation of the Owner to repair such Monument without delay.

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7.23 If an Owner of a Monument fails to make the required repairs or alterations to the Monument within 30 (thirty) days of issuance of the notice or report from the Town, the Director shall have the power to remove such Monument from the Cemetery or to repair or replace such Monument and charge the cost to the Owner.

7.24 If a Monument, at the Director's discretion, is of a historical significance to the Town, the Director shall have the power to repair such Monument at the expense of the Town.

8.0 FEES

8.1 The Town is entitled to sell Plots, Niches and Interment services in the Cemetery, in accordance with Fees set forth in "the Town of Canmore - Master Fee Schedule".

8.2 Two fee grids apply to the Town's Cemetery for the purchase of a Plot or a Niche. They are categorized as Resident and Non-resident.

8.3 All persons who purchase a Plot /Niche in the Cemetery shall be held responsible for the cost thereof and for all charges in connection therewith.

.1 The person signing an application for Interment will be held responsible for charges in connection with such interment.

8.4 The Town shall keep proper books of account showing all monies received from the sale of Plots/Niches and for all services rendered in the Cemetery, and showing all expenditures made in connection with the Cemetery.

8.5 The Town shall, upon payment by any person of the full price of any Plot(s) or Niche(s), furnish such eligible person with a Certificate of Easement (Interment Deed) for the sum paid and a document indicating the right to use such Plot or Niche to such person or to whom such person may appoint.

8.6 Right to Cancel Certificate of Easement by the Owner:

.1 The Owner may cancel the Certificate of Easement at any time for any reason.

.2 The Owner may cancel the Certificate of Easement without charge or penalty at any time during the period from the day they enter into the agreement until 30 (thirty) days after they receive a copy of the Certificate of Easement.

.3 When an Owner cancels the Certificate of Easement after 30 (thirty) days they will be subject to an administrative surcharge in accordance with the tariff of fees set forth in "the Town of Canmore - Master Fee Schedule".

.4 When the Owner cancels the Certificate of Easement, the Town has 30 (thirty) days to refund any money they are owed not including any interest that has accrued.

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- .5 To cancel a Certificate of Easement, the Owner must give written notice of cancellation to the Town, care of the Director.
- .6 The purchaser/owner of a Certificate of Easement shall give notice of cancellation by a method that will allow the Owner to prove that they gave notice, such as registered mail, fax, and courier or by personal delivery.

8.7 Resale of Interment Space:

- .1 The Town will not allow the Owner of a Certificate of Easement to resell the Interment space on the open market.
- .2 After the 30 (thirty) day purchase cancellation period is expired and the Owner wishes to cancel the Certificate of Easement and transfer a Plot or Niche in the Cemetery back to the Town, the Owner must produce a Certificate of Easement or a receipt for such Plot/Niche, at the office of the Town's Parks Department. Upon verification the Town will cancel the Certificate of Easement and buy back the unused interment space from the owner. The Town will pay the owner at least 85% of its market value at the date of resale.

8.8 No second Interment shall be permitted in any Plot or Niche in the Cemetery on which there are unpaid charges due and payable to the Town.

8.9 The Director shall have the discretion to make available Graves in the Cemetery, without charge, for the use of the Indigent.

9.0 PENALTY

9.1 Any person who violates any of the provisions of this Bylaw is guilty of an offense and is liable to a fine of not less than \$200.00 (two hundred dollars) and not more than \$2,500.00 (twenty-five hundred dollars), and in default of payment is liable to imprisonment for a term not exceeding 6 (six) months, or both.

10.0 TRANSITION


10.1 Bylaw No.21-2008 is hereby repealed.


10.2 This Bylaw shall come into force and take effect on the day of third and final reading.

FIRST READING: January 5, 2010

SECOND READING: January 5, 2010

THIRD READING: January 19, 2010



 MAYOR


 DESIGNATED OFFICER

Attachment 2

**Example of
AFFIDAVIT OF RESIDENCY**

TO: [NAME OF PURCHASER/OWNER OF PLOT]

RE: PURCHASE AGREEMENT (the "Agreement")

DATED:

I, _____, of the _____ of _____, Province of _____, make oath and say as follows:

- 1 **THAT** I am the PURCHASER of PLOT: _____, SECTION: _____ and as such have direct personal knowledge of the matters hereinafter referred to.

- 2 **THAT** _____ [name of *individual*] was a former resident or formerly owned a property within the town of Canmore, Alberta continuously for fifteen (15) years from _____ to _____ and therefore is eligible for the residency status pursuant to Town of Canmore Cemetery Bylaw.

AND I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

SWORN BEFORE ME at the _____
Of _____,
this ____ day of _____, 20__.

[NAME OF DEPONENT]

A Commissioner for Oaths in and
for the Province of _____
My commission expires: _____

If the transaction is between parties in different jurisdictions (e.g. two different provinces), the affidavit must be sworn in front of a Notary instead of a Commissioner.

