

**Village of Marwayne
Bylaw No. 476-08**

**A BYLAW OF THE VILLAGE OF MARWAYNE, IN THE PROVINCE OF ALBERTA,
FOR THE PURPOSE OF ESTABLISHING THE MARWAYNE CEMETERY.**

WHEREAS the Council of the Village of Marwayne is recognized as the owner of the Marwayne Cemetery as defined in the *Cemeteries Act*, R.S.A. 2000 c C-3 as amended;

AND WHEREAS pursuant to the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26 as amended, any Council may pass bylaws respecting the operations and control of public facilities;

AND WHEREAS the Council of the Village of Marwayne deems it necessary to pass a bylaw respecting the operations and management of the cemetery owned by the Village of Marwayne;

THEREFORE, the Council of the Municipality of the Village of Marwayne, duly assembled, enacts as follows:

1. This bylaw shall be called the "Cemetery Bylaw".

Purpose

2. That the land in NE23-52-3-W4 as described in Schedule A to this bylaw, as designated by the Register under the *Cemeteries Act* 2000, in the Province of Alberta, shall be and hereby set aside and used for a public cemetery to be called the Marwayne Cemetery.
3. That this bylaw is to also establish the operations and management of the Marwayne Cemetery.

Definitions

4. In this bylaw
 - a. "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, owned by the Village of Marwayne.
 - b. "Committee" means the Marwayne Cemetery Committee that was formed to operate the Marwayne Cemetery
 - c. "Maintenance" means both short and long term care of the cemetery
 - d. "Plot" means the lot shown on a plan and officially recorded with the Committee
 - e. "Village" means the Village of Marwayne

Control

5. The Village delegates its authority to the Committee with respect to the control and maintenance of the cemetery. The Committee shall operate, maintain and manage the cemetery.
6. Subject to the provisions of this bylaw and any policy thereto, the Committee may determine all rules of procedure for the conduct of its meetings, policies, procedures and setting of a fee schedule to cover costs for operating and maintaining the cemetery and maintaining the cemetery.
7. The Committee shall keep and maintain plans of the Cemetery and all records in connection therewith.
8. The Committee shall keep a record of sales of burial rights, of persons buried in the cemetery, date of burial and other records as may be required by the Village and/or the Province of Alberta.
9. Enforce all obligations pursuant to the *Cemeteries Act*, being R.S.A. 2000 c C-3 as amended.

Sales

10. The Committee shall from time to time review the prices for all plot sales, the charges for opening and closing of plots and the maintenance fees.

- 11. The Committee may establish a perpetual care fund by putting a percentage of the sale of each plot into a revenue-generating trust account to meet future maintenance requirements.
- 12. Plots in the cemetery shall be sold by the Committee.
- 13. It is a condition of every sale, that the purchaser expressly waives any claim arising by reason of any error or misdescription of any burial plot. The Committee undertakes that it will attempt, insofar as it is reasonably possible, to avoid such error, but its liability shall only extend to refund in case of error, of any money paid to the Committee for a plot or plots; and the Committee undertaking to make available equivalent quality or plots, in lieu of those originally allocated.

Damaging Property and Penalty

- 14. 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 tablet, monument, plaque, cross, fence, gate, guiding or structure within or around the Cemetery.
- 15. No person shall drive a vehicle in the cemetery except at a moderate rate and then only upon the roadway provided for the purpose thereof. The Committee may at their discretion prohibit the entrance of vehicles into the cemetery when the roads are not fit for vehicles. The owner of any motor vehicle shall be responsible for any damages done by such a vehicle within the boundaries of the cemetery.
- 16. The Committee is not responsible for any damage to any plot or marker unless it was due to gross negligence of the Committee, its' employees or by Village of Marwayne personnel.
- 17. Any person or corporation guilty of any infraction or breach of any of the provisions of the Bylaw shall upon conviction, therefore, before a Provincial Judge, be liable to a penalty not exceeding two thousand (\$2,000) dollars and costs for each offense, or in default of payment or in the alternative, to imprisonment for any period not exceeding five (5) weeks.

Effective Date

18. This Bylaw takes effect on the day of the final passing thereof.

READ A FIRST TIME this 27th day of October, 2008.

READ A SECOND TIME this 27th day of October, 2008.

READ A THIRD TIME this 27th day of October, 2008.

SIGNED by the Mayor and Administrator this 27th day of October, 2008.

 Jenelle Saskiw
 Mayor

 Joanne Horton
 CAO

Schedule A

Legal Description:

Meridian 4 Range 3 Township 52 Section 23
 All that portion of the north east quarter described as follows:

commencing at the south east corner of the said quarter section; thence westerly along the southern boundary thereof 420 feet; thence northerly parallel with the eastern boundary 829.714 feet: thence easterly parallel with the south boundary of the said quarter 420 feet to the eastern boundary thereof; thence southerly along the said eastern boundary to the point of commencement containing 3.24 hectares (8 acres) more or less excepting thereout all mines and minerals.