

POLICY 7.5 Cemeteries

In the teachings of the Catholic Church, “burying the dead” is understood to be one of the seven corporal works of mercy (Mt. 25: 31-46). For millennia, the Catholic cathedral and parish church have usually included a cemetery, consecrated ground for the interment of deceased Catholic faithful. The *Code of Canon Law* requires that “the Church have its own cemeteries wherever this can be done” (cn. 1240 §1) and that “particular law...determine appropriate norms on the discipline to be observed in cemeteries, especially regarding the protecting and fostering of their sacred character.” (cn. 1243).

In addition to the canonical guidelines, provincial and municipal government laws, bylaws and regulations further determine how the Archdiocese operates and maintains its cemeteries. This policy has been enacted to better define the roles of the Archdiocese, parishes, and, where applicable, municipal and provincial governments in the operation and maintenance of the cemeteries of the Archdiocese.

Cemeteries in the Archdiocese

The Archdiocese of Grouard-McLennan, under the name “La Corporation Épiscopale Catholique Romaine de Grouard”, is the owner of 30 cemeteries. 22 of them are active cemeteries, operated by the associated parish, a group of individuals or a municipal government. The 8 that are inactive are maintained by the Archdiocese.

Responsibilities of cemetery owners under Alberta law

The Alberta *Cemeteries Act* and *General Regulation* define and describe the responsibilities of cemetery owners. This policy is intended to incorporate these legal requirements and any additional duties arising from the teachings and practices of the Catholic Church.

The cemetery owner is, among other things, responsible for:

- keeping the cemetery in good order and repair;
- assuring the proper disposition of human remains or cremains in the cemetery;
- ensuring that burials are conducted in a decent manner;
- ensuring that a cemetery is laid out in such a manner as to provide for adequate walks and roadways, and grave lots of adequate size to accommodate burials;
- ensuring that the cemetery layout facilitates the keeping of records and the finding of graves;
- maintaining a plan of the cemetery that facilitates the keeping of records and the finding of graves.

The cemetery owner is authorized to:

- lease plots for burials of human remains or cremains;
- collect funds for perpetual care of burial plots;
- make rules for burials in the cemetery.

Responsibilities of parish cemetery operators

The Archdiocese has created a set of regulations for parish operators of a cemetery (see Appendix A).

Among other things, the Archdiocese requires the parish operator of a cemetery to:

- maintain a Register of Burials, according to the instructions of the Chancellor;
- maintain the cemetery plan, updating after every sale and burial;
- adopt a set of bylaws that govern the operation of that parish's cemetery (see Appendix B);
- collect and keep on file government-issued burial permits related to all burials in the cemetery.

Further, the Archdiocese authorizes the parish operator of a cemetery to:

- collect sale/lease payments for burial plots (subject to Policy 3.1.7);
- collect payments for perpetual care fund (subject to Policy 3.1.7).

Accepted by the College of Consultors 02 May 2012

Amended by the Curia on 07 January 2016

Amended by the College of Consultors on 12 June 2018

Appendix A Regulations - Parish Cemeteries in the Archdiocese of Grouard-McLennan

1. Definitions

In this policy the word, term or expression:

- a) “Administrator” means the Finance Administrator of the Archdiocese of Grouard-McLennan.
- b) “Cemetery” means a property duly designated by the Archdiocese and/or registered by the Province of Alberta for the interment of the deceased or in which human remains have been interred in the past.
- c) “Chancellor” means the Chancellor of the Archdiocese of Grouard-McLennan.
- d) “Columbarium” means a structure designed for storing of the ashes of human bodies or other human remains that have been cremated.
- e) “Cremains” means the cremated remains of a human body.
- f) “Lessee” means the person who has applied for and has been granted a lease for the interment of human remains or cremains in a cemetery.
- g) “Mausoleum” means a structure wholly or partly above the ground level and designated for the burial or storage of human bodies.
- h) “Operator” means a Committee of a Parish, Quasi-parish or Mission duly appointed or elected by the Parish, an individual or group of individuals appointed and confirmed; or a Municipal Government who has been duly authorized, through the execution of a written agreement, to manage the cemetery.
- i) “Owner” means: La Corporation Épiscopale Catholique Romaine de Grouard.
- j) “Plot” means a portion of land in the cemetery, numbered and marked on a cemetery plan and registered in the cemetery files of the Operator.

2. Duties of the Operator

On behalf and under the supervision of the Owner, the Operator of a cemetery or cemeteries has the following duties and responsibilities.

2.1 To issue a lease to an applicant for the right to occupy a cemetery plot, a space in a columbarium or a chamber in a mausoleum pursuant to the *Alberta Cemeteries Act*, the *Alberta Cemetery Regulation 249/98* and any regulations duly established by the Owner and the Operator.

2.2 To keep and maintain a clear and orderly plan of the Cemetery and all records held in connection with the management of the Cemetery.

2.3 To maintain a record of all burial plots and burial documentation of persons buried in the cemetery or mausoleum or placed in a columbarium. The record of burial or placement must include the name of the deceased, the Lessee of the plot, date of burial or placement and other records as may be required by the Administrator. A copy of such records shall be submitted to the Chancellor on or prior to January 31st of each year.

2.4 To collect any lease fees and perpetual care fees as may be established by the Operator or the Owner. (cf. Policy 3.1.7)

2.5 To enforce all obligations of the *Cemeteries Act*, being Chapter C-3, of the Revised Statutes of Alberta and *General Regulation*, being Alberta Regulation 249/98, and any amendments thereto.

2.6 To adopt and enforce a policy or bylaw which will augment and respect the regulations established by the Archdiocese of Grouard-McLennan Cemeteries policy. (see Appendix B).

This policy or bylaw will include, but not be restricted to, specific regulations pertaining to the following:

- a) Establishment of fees for the issuance of leases and perpetual care of plots.
- b) The placement of any permanent memorial tribute, grave cover, fences, trees, shrubs, or natural flowers on a burial plot.
- c) Requirements of the Lessee for the care and maintenance of a cemetery plot(s).
- d) Protocol for the contravention of Provincial Statutes and Regulations pertaining to the operation of a cemetery, the Archdiocesan Cemetery Policy and/or the Operator's policy or bylaw.
- e) The allowance or restriction of a columbarium or mausoleum in a cemetery.

2.7 To submit a draft copy of its proposed policy or bylaw pertaining to the development and operation of a cemetery to the Administrator prior to its final adoption by the Operator.

2.8 To submit any subsequent proposed amendment, addition or change to the Operator's policy or bylaw to the Administrator for approval.

3. Miscellaneous Regulations

3.1 All plots shall remain the property of the Owner. The Operator shall not have the authority to sell, transfer or otherwise issue a Certificate of Title for any portion of the cemetery.

3.2 The Lessee shall not be allowed to transfer a lease for an unoccupied plot to another person unless such transaction is registered by the Operator in compliance with this policy. In the event of a cancellation of a lease, pursuant to the Lessee's request, any lease fees paid to the Operator will be returned to the Lessee.

3.3 When a plot becomes vacant by the removal of the human remains therein, the land may be reverted to the Operator at the Lessee's discretion.

3.4 No person shall be allowed to inter human remains in a cemetery until the following statutes and regulations have been complied with:

- a) The provisions of the *Public Health Act* of the Province of Alberta;
- b) The provisions of the *Cemeteries Act* of the Province of Alberta; and,
- c) The provisions of the *Vital Statistics Act* of the Province of Alberta.

3.5 Normally, a Catholic cemetery is intended for Catholics and members of their immediate family. Any exceptions will be reviewed on a case-by-case basis by the Ordinary of the Archdiocese of Grouard-McLennan.

3.6 By Church directives, cremated remains shall be interred in a duly designated cemetery. Cremated remains shall not be scattered in the cemetery or at any other location.

3.7 Only human remains shall be buried in the cemetery. Under no circumstance will animals be allowed to be buried in the cemetery.

3.8 The maximum number of human remains or cremains allowed on a plot shall be:

- a) one human remain and/or four cremains, or
- b) two human remains

3.9 An Operator who seeks to add a columbarium to a cemetery must submit a written application to the Ordinary of the Archdiocese of Grouard-McLennan, following Policy 3.4.2. The application should include reasons for seeking to make the addition.

3.10 An Operator who seeks to add a mausoleum to a cemetery must submit a written application to the Ordinary of the Archdiocese of Grouard-McLennan, following Policy 3.4.2. The application should include reasons for seeking to make the addition.

3.11 All monuments, inscriptions and graphics thereon shall be compatible with the faith of the Catholic Church. The placement of a monument or plaque on a plot will be subject to the permission and approval of the Operator.

3.12 The Owner, its agents or employees shall not be responsible for any injury caused to any person who enters a cemetery or for any damage to any plot, memorial, monument or any other structure located within any cemetery unless such injury or damage occurs as a result of the gross negligence of the Owner, its agents or employees.

Any conflict between this policy and the bylaws of an Operator will be resolved by the Administrator.

Appendix B Sample Bylaws for Parish Cemeteries in the Archdiocese of Grouard-McLennan

PARISH CEMETERY BYLAWS

WHEREAS Catholic cemeteries in the Archdiocese of Grouard-McLennan are owned by “La Corporation Épisiscopale Catholique Romaine de Grouard” and are operated by local parishes; and

WHEREAS the Archdiocese has promulgated Policy 7.5 Cemeteries which provides a description of the standards and regulations for the operation of all cemeteries under its authority; and

WHEREAS the Cemetery Committee of _____ Parish at _____, Alberta, was established to regulate, oversee and control the operations of the _____ Cemetery.

NOW THEREFORE, the Cemetery Committee of _____ Parish enacts as follows:

1. Definitions

In this policy the word, term or expression:

- a) “Administrator” means the Financial Administrator of the Archdiocese of Grouard-McLennan
- b) “Cemetery” means a property duly designated by the Archdiocese and/or registered by the Province of Alberta for the interment of the deceased or in which human remains have been interred in the past.
- c) “Chancellor” means the Chancellor of the Archdiocese of Grouard-McLennan.
- d) “Columbarium” means a structure designed for storing of the ashes of human bodies or other human remains that have been cremated.
- e) “Cremains” means the cremated remains of a human body.
- f) “Lessee” means the person who has applied for and has been granted a lease for the interment of human remains or cremains in a cemetery.
- g) “Mausoleum” means a structure wholly or partly above the ground level and designated for the burial or storage of human bodies.
- h) “Operator” means a Committee of a Parish, Quasi-parish or Mission duly appointed or elected by the Parish or a Municipal Government who has been duly authorized, through the execution of a written agreement, to manage the cemetery.
- i) “Owner” means: La Corporation Épisiscopale Catholique Romaine de Grouard.
- j) “Plot” means a portion of land in the cemetery, numbered and marked on a cemetery plan and registered in the cemetery files of the Operator.

2. Duties of the Operator

2.1 Issue a lease to an applicant for the right to occupy a cemetery plot, a space in a columbarium or a chamber in a mausoleum pursuant to the *Alberta Cemeteries Act*, the *Alberta Cemetery Regulation 249/98* and any regulations duly established by the Owner and the Operator.

2.2 Keep and maintain a clear and orderly plan of the Cemetery and all records held in connection with the management of the Cemetery.

2.3 Maintain a record of all burial plots and burial documentation of persons buried in the cemetery, including the name of the deceased, the Lessee of the plot, date of burial and other records as may be required by the Administrator. A copy of such records shall be submitted to the Chancellor on or prior to January 31st of each year.

2.4 Publish a “Schedule of Fees” and collect any lease fees and perpetual care fees as may be established by the Operator. (cf. Policy 3.1.7)

2.5 Enforce all obligations of the *Cemeteries Act*, being Chapter C-3, of the Revised Statutes of Alberta and *Alberta Regulation 249/98* and any amendments thereto.

2.6 Submit proposed amendments, additions or changes to this bylaw to the Administrator for review and approval.

3. Miscellaneous Regulations

3.1 All plots shall remain the property of the Owner. The Operator shall not have the authority to sell, transfer or otherwise issue a Certificate of Title for any portion of the cemetery.

3.2 The Lessee shall not be allowed to transfer a lease for an unoccupied plot to another person unless such transaction is registered by the Operator in compliance with this bylaw. In the event of a cancellation of a lease, pursuant to the Lessee’s request, any lease fees paid to the Operator will be returned to the Lessee.

3.3 When a plot becomes vacant by the removal of the human remains therein, the land may be reverted to the Operator at the Lessee’s discretion.

3.4 No person shall be allowed to inter human remains in a cemetery until the following statutes and regulations have been complied with:

- a) The provisions of the *Public Health Act* of the Province of Alberta;
- b) The provisions of the *Cemeteries Act* of the Province of Alberta; and,
- c) The provisions of the *Vital Statistics Act* of the Province of Alberta.

3.5 Normally, a Catholic cemetery is intended for Catholics and members of their immediate family. Any exceptions will be reviewed on a case by case basis by the Ordinary of the Archdiocese of Grouard-McLennan.

3.6 By Church directives, cremated remains shall be interred in a duly designated cemetery. Cremated remains shall not be scattered in the cemetery or at any other location.

3.7 Only human remains shall be buried in the cemetery. Under no circumstance will animals be allowed to be buried in the cemetery.

3.8 The maximum number of human remains or cremains allowed on a plot shall be:

- a) one human remain and/or four cremains, or
- b) two human remains

3.9 All monuments, inscriptions and graphics thereon shall be compatible with the faith of the Catholic Church. The placement of a monument or plaque on a plot will be subject to the permission and approval of the Operator.

3.10 The Owner, its agents or employees shall not be responsible for any injury caused to any person who enters a cemetery or for any damage to any plot, memorial, monument or any other structure located within any cemetery unless such injury or damage occurs as a result of the gross negligence of the Owner, its agents or employees.

3.11 This bylaw comes into effect on the date of the final passing thereof.

4. Monuments

4.1 The burial plot lessee shall have the right to erect a monument or grave plaque on a plot, subject to the permission of the Operator. Specifications of the proposed monument or grave plaque outlining the material, height, size of base and inscription must be submitted to the Operator for approval before ordering and/or installation of the monument or plaque. Only one monument shall be allowed per plot. A maximum of four (4) grave plaques shall be permitted per plot.

4.2 All monuments must be made of granite, marble, limestone, bronze or other resilient materials as may be approved by the Operator. Plastic, fiberglass or wood monuments shall not be permitted in the cemetery, except crosses of wood pre-approved by the Operator.

4.3 Monuments shall be placed on a concrete sidewalk, where available, or on a concrete, marble or granite base located at the head of the plot. Monument bases shall be no wider (side to side) than the plot width minus 15.24 cm (6 inches).

4.4 All monuments, inscriptions and graphics thereon shall be compatible with the faith of the Catholic Church.

4.5 The maximum height of any monument shall be one (1) metre.

4.6 Full length grave covers shall not be allowed.

4.7 Grave plaques shall be no greater than 35.5 cm (14 inches) wide (top to bottom) and no wider (side to side) than 60.96 cm (24 inches).

4.8 Temporary monuments and grave plaques shall be permitted on a plot for a maximum period of **one year** from the date of interment. After which period, the burial plot lessee will be required to remove such temporary items from the plot.

4.9 Should any monument or other structure placed on or erected in the cemetery be deemed by the Operator to be in a state of disrepair, the Operator shall require the burial plot lessee to either repair or remove it from the burial plot.

5. Maintenance of Plots

5.1 No permanent memorial tribute (other than a monument or grave plaque), shrubs, trees, hedges or natural flowers shall be allowed on a burial plot in the cemetery.

5.2 Notwithstanding article 5.1, the burial plot lessee shall be allowed to place temporary memorial tributes on a burial plot for a maximum period of six (6) months following the date of interment. Such tributes shall be attached to the monument or firmly anchored in the ground to prevent displacement by the wind.

5.3 To ensure neatness and order in the cemetery, the Operator shall have the authority to remove any “rubbish” placed upon a plot which is considered to be unsightly or is interfering with the practical maintenance of the cemetery.

5.4 Fences, railings, concrete walls and similar enclosures shall not be erected on any plot.

6. Columbarium

[Cemeteries that do not have a columbarium]

6.1 The addition of a columbarium requires the approval of the Owner. The application for adding a columbarium will be made in accordance with the Regulations of the Owner (Policy 7.5, Appendix A).

[Cemeteries that have a columbarium]

6.1 No more than two persons’ cremated remains may be placed in one columbarium niche.

6.2 Urns for cremains must be pre-approved by the Operator for placement before purchase. This is to ensure the selected urn will fit into the niche.

6.3 Inscription on the niche is included in the lease price. Inscriptions consist of surname, Christian name(s) and dates of birth and death. No other information will be inscribed on a niche. The font and style of inscriptions is the sole decision of the Operator.

7. Mausoleum

7.1 The addition of a mausoleum requires the approval of the Owner. The application for adding a mausoleum will be made in accordance with the Regulations of the Owner (Policy 7.5, Appendix A).

8. Protocol for Contraventions of these Bylaws

8.1 Should the burial plot lessee be in contravention of any requirement of these bylaws or the *Alberta Cemeteries Act* or *General Regulations*, the Operator shall serve notice in writing to the burial plot lessee at the last known address and/or to an immediate family member of the deceased, requesting that remedial action be taken by a specified deadline.

Any conflict between this policy and the bylaws of an Operator will be resolved by the Administrator.