



BYLAW NO. 03 – 2020

TOWN OF VEGREVILLE

THIS BYLAW NO. 03-2020 OF THE TOWN OF VEGREVILLE, IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF PROVIDING REGULATIONS FOR THE USE, CARE AND MAINTENANCE OF RIVERSIDE CEMETERY.

WHEREAS pursuant to the provisions of the *Municipal Government Act*, RSA 2000, Chapter M-26 and the *Cemeteries Act*, RSA 2000, c. C-3, as amended or repealed and replaced from time to time, provides that a Council may pass bylaws for the regulation and use of cemeteries under its control;

AND WHEREAS the Municipal Council of the Town of Vegreville deems it expedient to pass a bylaw to establish regulations for the Vegreville Riverside Cemetery.

NOW THEREFORE, the Municipal Council of the Town of Vegreville duly assembled, enacts as follows:

1. TITLE

This bylaw may be cited as the **Cemetery Bylaw**.

2. DEFINITIONS

In this bylaw, unless the context otherwise requires:

- 2.1 **CAO** means the Chief Administrative Officer of the Town of Vegreville or their designate;
- 2.2 **Caretaker** means the employee of the Town of Vegreville who has been assigned duties by the CAO;
- 2.3 **Cemetery** means Vegreville Riverside Cemetery and is the land owned and operated under the control of the Town of Vegreville which is set apart for, or used, as a place for interment of the dead or in which human bodies or remains have been buried and legally described as a portion of the south east quarter of section seventeen (17), township fifty-two (52), range fourteen (14), west of the fourth (4th) meridian;
- 2.4 **Columbarium** means a structure designed for storing the ashes of human bodies or remains that have been cremated;
- 2.5 **Council** means the Municipal Council of the Town of Vegreville;
- 2.6 **Cremation Lot** means a Lot in which may be buried the cremated ashes of up to six (6) persons;
- 2.7 **Funeral Director** means any registered or licensed embalmer or mortician and must be a member of the Alberta Funeral Director Association or similar regulatory organization;

- 2.8 **Funeral Party or Procession** means the gathering or assembly of people at the graveside at the time of interment;
- 2.9 **Grave** means an earth excavation in a Cemetery Lot for the burial of human remains and/or ashes;
- 2.10 **Grave Lot** means a Lot in which may be buried the remains of a person or in which may be buried the remains of one person and the cremated ashes of up to five (5) additional persons;
- 2.11 **Her Majesty** means the Queen in Right of Canada;
- 2.12 **Immediate Next of Kin** means the parents, spouse, children or siblings of the deceased;
- 2.13 **Indigent** means those persons who are residents of the Town at the time of burial and whose financial means are not sufficient to cover the fees for burial;
- 2.14 **Infant** means a person of not more than one (1) year of age;
- 2.15 **Lot** means a lot measuring not less than 1.52 metres (5 feet) by 3.05 metres (10 feet) as shown on the Cemetery Plan of Record in the offices of the Town of Vegreville and which may be either a Grave Lot or a Cremation Lot;
- 2.16 **Marker** means a temporary structure erected by the Caretaker and denoting a Grave or Cremation Lot in the Cemetery;
- 2.17 **Memorial Tablet** means a structure of bronze, marble or granite or other similar material for memorial purposes that is placed on any Lot, level with the surrounding ground;
- 2.18 **Memorial Service** means a scheduled service held on Cemetery lands by a group or society in memory of one or more persons whose remains are interred in the Cemetery;
- 2.19 **Monument** means a structure of bronze, marble or granite or other similar material for memorial purposes that is placed on any Lot and projects above the level of the surrounding ground;
- 2.20 **Niche** means a section of the Columbarium designed for storing the cremated ashes of human bodies;
- 2.21 **Owner** means the person recognized by law as having ultimate control over, and right to use, property as long as the law permits and no agreement or covenant limits that person's rights;
- 2.22 **Peace Officer** means:
- (a) A member of the Royal Canadian Mounted Police;
 - (b) A Community Peace Officer; and
 - (c) A Bylaw Enforcement Officer.
- 2.23 **Perpetual Care** means the preservation and maintenance in perpetuity of a Grave or Niche;
- 2.24 **Town** means the Municipal Corporation of the Town of Vegreville;

- 2.25 **Unidentified** means those persons who are residents of the Town at the time of burial, but whose identity is not known or readily discoverable;
- 2.26 **Vehicle** means a device in, on or by which a person or thing may be transported or drawn on a roadway either by motor or muscular power and includes a horse or horse-drawn conveyance;
- 2.27 **Winter Cross** means a Marker placed in the Cemetery by the Caretaker or designate for a maximum of one (1) year;
- 2.28 **Working Days** means any Monday to Friday during regular working hours as defined in the Town Employee Policy Manual, except where a Statutory Holiday or Civic Holiday falls on any one of those days;
- 2.29 Words importing the masculine gender include the feminine gender whenever the context so requires and vice versa; and
- 2.30 Words importing the singular include the plural whenever the context so requires and vice versa.

3. DUTIES, RIGHTS AND POWERS

- 3.1 The CAO shall operate the Cemetery in accordance with any applicable Federal, Provincial and Municipal laws, acts, regulations, and bylaws.
- 3.2 The CAO shall have charge of the Cemetery, shall determine the appropriate care and maintenance of the Cemetery, and shall be responsible for all those employed therein.
- 3.3 The CAO may divide the Cemetery into areas and may reserve an area for the burial of;
- (a) Infants;
 - (b) ashes; and
 - (c) remains of person who at any time served with, or were attached to, the naval, army or air forces of Her Majesty or power allied or associated with Her Majesty.
- 3.4 The CAO shall be responsible to discharge the Town's duty for Perpetual Care of any Lot in which are buried the ashes or remains of a person.
- 3.5 The CAO may construct, erect or place or cause to be constructed, erected or placed in the Cemetery:
- (a) a Columbarium for the interment of cremated human remains;
 - (b) benches, seating, walkways and laneways; and
 - (c) such other structures, development and improvements as he deems necessary for the proper operation of the Cemetery.

- 3.6 The CAO may erect, or cause to be erected, in the Cemetery a memorial wall upon which may be placed plaques commemorating persons whose deaths occurred in the Town, but who are not eligible for burial in the Cemetery, and may establish requirements for the size and text of such plaques and may charge a fee for the placement of such plaques.
- 3.7 Special requests not covered in this bylaw may be made to the CAO in writing and will be considered on a case by case basis.

4. CEMETERY RECORDS

- 4.1 The CAO shall keep proper records and plans of the Cemetery and each Lot in the Cemetery shall be shown numbered on such plans.
- 4.2 Such records shall be available for inspection at any time during which the offices of the Town are open to the public by:
- (a) the Director of Cemeteries designated pursuant to the *Cemeteries Act*, RSA 2000, c. C3 as amended or repealed and replaced from time to time, or a person designated in writing by the Director of Cemeteries;
 - (b) any police officer carrying out law enforcement duties;
 - (c) any relative of a deceased person whose burial or interment is listed in the records; and
 - (d) in respect of plans and locations of Lots and interments, members of the public.

5. LANDSCAPING AND OTHER WORK

- 5.1 No person shall place any flowers or plants, any stand, holder, vase or other receptacle for flowers or plants, or any flower pots, jars, bottles, iron or wire work, solar lights or any ornament or any construction of any kind anywhere in the Cemetery unless:
- (a) it is affixed to a Monument, Memorial Tablet or base of a Monument; or
 - (b) in the case of a stand meant to hold a hanging basket or wreath that anchors into the ground, immediately adjacent to the Monument base or Memorial Tablet; or
 - (c) in the case of a Niche in the Columbarium, in the vase provided.
- 5.2 The CAO shall remove from any location in the Cemetery any flowers or plants, any stand, holder vase or other receptacle for flowers or plants, or any flower pots, jars, bottles, iron or wire work, solar lights or any ornament or any construction of any kind to provide for maintenance of the Cemetery and without liability to the Town for damage, destruction or loss of such items.
- 5.3 The CAO may remove from the Cemetery and may 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, solar lights or any ornaments or construction of any kind which he deems to be unsightly, distasteful or otherwise unsuitable for the Cemetery. The CAO shall hold for thirty (30) days, articles removed from the Cemetery pursuant to these provisions, during which time the Owner may reclaim such articles and after which the CAO may dispose of them at his discretion.

- 5.4 If, in the opinion of the CAO, any trees, shrubs or plants on any Lot become detrimental to adjacent lots, walks or driveways, or prejudicial to the general appearance of the grounds, the CAO shall have the right to remove any such trees, shrubs, plants, or any part thereof.
- 5.5 All persons employed in landscaping or other work in the Cemetery, whether employed by the Town or not, require permission of the CAO and shall be subject to his direction and control.
- 5.6 The CAO shall have the right to remove from the Cemetery, any person who disturbs the quiet or good order of the Cemetery whether by noisy or improper conduct or otherwise.
- 5.7 Any group or society desiring to hold a Memorial Service shall provide the CAO not less than two (2) Working Days' notice of their intention to do so.
- 5.8 No person shall plant any trees, shrubs, hedges, flowers, grass, or other vegetation in the Cemetery:
- (a) without written consent of the CAO unless that person is an employee of the Town under the direction and control of the CAO;
 - (b) on a Sunday or other holiday;
 - (c) between the hours of eight o'clock (8:00) in the evening and eight o'clock (8:00) in the morning;
 - (d) at any time during which a burial or Memorial Service is taking place; and
 - (e) which is not native to Vegreville.
- 5.9 No person shall construct, erect or place or cause to be constructed, erected or placed, or allow to be constructed erected or placed in the Cemetery any structure, furnishings, fencing, curbing, wooden or wire trellis, or other thing or structure without permission in writing from the CAO.

6. REGULATION OF LOTS

- 6.1 Amounts owing to the Town in accordance with the Town's Fees and Charges Bylaw as amended or repealed and replaced from time to time, must be paid in full prior to the use of any Lot.
- 6.2 No burial shall be permitted in the Cemetery without delivery of the burial permit to the CAO issued by a District Registrar under the authority of the Department of Health, or of some similar permit or certificate issued by the legal authority of the jurisdiction where the death occurred.
- 6.3 No Lot may be used for any purpose other than the burial of human ashes or remains in accordance with the stipulations of the *Cemeteries Act*, RSA 2000, c. C-3 as amended or repealed and replaced from time to time.
- 6.4 Lots may not be sold, transferred or disposed of in any other manner except by transfer back to the Town upon refund of the current value for the Lot or Lots.
- 6.5 Lots not previously mentioned in this bylaw shall be sold in rotation or in any other manner which the CAO deems suitable and advisable.

6.6 The Town is required to provide and reserve Lots for the burial of Unidentified or unclaimed bodies and bodies of destitute or Indigent persons. These Lots will be provided at no charge upon application to the CAO; however, any fees or charges required shall be charged in accordance with the Town's Fees and Charges Bylaw as amended or repealed and replaced from time to time.

7. MONUMENTS, MEMORIAL TABLETS AND NICHE COVERS

7.1 All persons employed in the construction of foundations, the placement of Memorial Tablets or the erection of Monuments, whether employed by the Town or not, shall be subject to the direction and control of the CAO.

7.2 Where the CAO receives a request from an Owner for authorization to construct a foundation, place a Memorial Tablet or erect a Monument on that Owner's Lot, the CAO shall authorize that construction, placement or erection provided that:

(a) plans and specifications are submitted to the Town and it is determined those plans and specifications to contain a sufficient description of the proposed construction, erection or placement;

(b) a plan of the Grave is provided showing the location of the proposed construction, erection or placement;

(c) provisions for lifting and maintenance of the foundation, Monument or Memorial Tablet are satisfactory to the CAO; and

(d) not less than one (1) year has passed since the interment of full burial remains in any Lot where a pre-existing foundation has not been provided by the Town.

7.3 Where the CAO receives a request from an Owner for authorization to construct a single Monument in respect of two adjoining Graves in only one of which are buried the human remains of a person, the CAO shall, in addition to the requirements of provision 7.2 above, require the Owner to declare in writing that the Monument shall be removed and replaced at the Owner's risk and expense to provide for the interment of the remains of the second person on the adjoining Lot.

7.4 A foundation, Memorial Tablet or Monument authorized to be constructed, placed or erected pursuant to provision 7.2 shall be confined within the limits of the Grave in respect of which it is constructed, placed or erected and shall, where possible, be aligned with other Memorial Tablets or Monuments on adjacent Graves.

7.5 A Memorial Tablet or Monument shall be placed or erected on a concrete foundation not less than 10 centimeters (3.9 inches) thick and not less than 10 centimeters (3.9 inches) wide or 10 centimeters (3.9 inches) longer than the base of the Memorial Tablet or Monument it supports.

7.6 The foundation of a Memorial Tablet shall be so placed that the top of the Memorial Tablet is level with the surrounding ground and can support the weight of the Cemetery maintenance equipment.

7.7 The construction and maintenance of concrete foundations, for the placement of Memorial Tablets or the erection of Monuments, whether precast or poured on site, shall be the sole responsibility of the Owner.

- 7.8 The area of a Memorial Tablet shall not exceed:
- (a) in respect of a Grave in which human remains are buried, 0.2 square meters (2.2 square feet); or
 - (b) in respect of a Grave in which ashes are buried, 0.1 square meters (1.1 square feet); and
 - (c) where a single Memorial Tablet will be erected in respect of two (2) adjoining Graves in each of which are buried the human remains of a person, 0.4 square meters (4.3 square feet).
- 7.9 A Monument shall not exceed 1 meter (3.3 feet) in height above the level of the surrounding ground and shall be of such other dimensions and design so as not to be, in the opinion of the CAO, offensive to the majority of the people visiting the Cemetery.
- 7.10 In respect of any Monument:
- (a) the face area shall not exceed 20% of the area of the Lot on which it is to be erected;
 - (b) the length of the base shall not exceed 75% of the width of the Lot on which it is to be erected; and
 - (c) the base area shall not exceed 9% of the area of the Lot on which it is to be erected.
- 7.11 The thickness of any Monument:
- (a) with a face area of 0.56 square meters (6 square feet) or less, shall not be less than 10 centimeters (3.9 inches);
 - (b) with a face area greater than 0.56 square meters (6 square feet) and not exceeding 1.1 square meters (11.8 square feet) shall not be less than 15 centimeters (5.9 inches); and
 - (c) with a face area of 1.1 square meters (11.8 square feet) or greater, shall be not less than 20 centimeters (7.9 inches).
- 7.12 The base of a Monument shall not exceed 25% of the height of the monument.
- 7.13 Where a single Monument will be erected in respect of two (2) adjoining Graves:
- (a) the face area shall not exceed 20% of the combined area of the Lots on which it is to be erected;
 - (b) the length of the base shall not exceed 75% of the combined width of the Lots on which it is to be erected; and
 - (c) the base area shall not exceed 9% of the combined area of the Lots on which it is to be erected.
- 7.14 All foundations for Monuments and Memorial Tablets shall be confined within the boundaries of the respective Lots, and all Monuments and Memorial Tablets shall be placed in such a manner as to maintain, whenever possible, a proper alignment.

- 7.15 No corner stones or other markings to indicate the boundaries of a Lot or Grave shall be permitted.
- 7.16 No Lot may be covered by a slab of cement or any other material not approved by the CAO.
- 7.17 All Monuments and Memorial Tablets placed upon a Lot or Grave shall be of granite, marble, stone or bronze or other similar material.
- 7.18 Not more than one Memorial Tablet or Monument shall be constructed, erected or placed on any one Lot except for:
- (a) Cremation Lots where one Memorial Tablet will be permitted for each Grave to a maximum of six (6); or
 - (b) Grave Lots in which may be buried the remains of one (1) person and the ashes of up to five (5) persons, in which case one (1) Monument may be erected in respect of the remains and one (1) Memorial Tablet may be placed in respect of each of the ashes.
- 7.19 The costs of the Niche covers in the Columbarium are included in the price of the Niche. Inscriptions on the Niche covers will be the sole responsibility and expense of the Owner.
- 7.20 Where an Owner constructs, erects or places a foundation, Memorial Tablet or Monument in the Cemetery that does not comply with the provisions of this bylaw, the CAO may order the Owner, by notice in writing mailed to him at his last known address, to remove the foundation, Memorial Tablet or Monument and in default of the Owner doing so, the Town, its officers, agents or servants may remove the same to the satisfaction of the CAO and charge the same to the Owner and collect the same in accordance with the Town's Fees and Charges Bylaw as amended or repealed and replaced from time to time.
- 7.21 Where the CAO finds any Monument, Memorial Tablet or Niche cover in a state to disrepair, unsightly, objectionable or interfering with routine Cemetery maintenance, he shall notify the Owner and require that the repairs be undertaken within thirty (30) days. If the Owner of the Monument, Memorial Tablet or Niche cover fails to make the required repairs or alterations to the Monument, Memorial Tablet or Niche cover within thirty (30) days of issuance of the notice from the CAO, the CAO may remove such Monument or Memorial Tablet or replace such Niche cover and charge the cost thereof to the Owner and collect the same in accordance with the Town's Fees and Charges Bylaw as amended or repealed and replaced from time to time.

8. BURIALS

- 8.1 No interment shall be permitted unless the information required by the CAO has been fully provided, including all of that information required under the provisions of the *Cemeteries Act*, RSA 2000, c. C-3 as amended or repealed and replaced from time to time.
- 8.2 All arrangements must be made through a Funeral Director.
- 8.3 All Funeral Parties or Processions shall be subject to the control of the CAO while they are in the Cemetery.

- 8.4 The Town or any employee thereof shall not be responsible for any mistake resulting from lack of precise or proper instructions regarding Grave space in a Lot where an interment is to be made or for any damage resulting thereby.
- 8.5 Graves shall be excavated and interments made only by persons under the direction of the CAO and no person or persons not under the direction of the CAO shall open any Grave, Niche or vault.
- 8.6 Burials must be scheduled to allow a minimum of two (2) full Working Days' notice from May 1 to October 31 and allowing a minimum of three (3) full Working Days' notice from November 1 to April 30 each year, weather and temperature permitting.
- 8.7 Deadline for requests to open is Friday at noon.
- 8.8 No interment or funeral service shall be permitted in the Cemetery on a Sunday or Statutory Holiday, except with special permission from the CAO in writing.

Such permission shall not be granted unless the deceased has died of a contagious disease, or in the case of a special emergency or circumstance which in the opinion of the CAO, justifies and necessitates a Sunday or Statutory Holiday interment or funeral service. Upon CAO permission, an additional fee of two (2) times the cost of a Saturday Interment Fee will be charged in accordance with the Town's Fees and Charges Bylaw as amended or repealed and replaced from time to time.

- 8.9 If there are two funerals in one day, the second is to coordinate with the first to ensure that no part of the first interment conflicts with or interrupts the second.
- 8.10 No opening shall be permitted in the Cemetery on a Saturday, Sunday or Statutory Holiday, unless in an emergency as noted in provision 8.8 arises.

9. EXCAVATION, INTERMENT AND DISINTERMENT

- 9.1 No person shall excavate in the Cemetery without the written consent of the CAO and except under the direction and control of the CAO.
- 9.2 No person, other than the Caretaker or person authorized by the Caretaker, shall dig in any Lot for the purpose of interring or disinterring human remains or cremated ashes.
- 9.3 No casket shall be opened in the Cemetery after any burial service.
- 9.4 All Graves must have a concrete or fiberglass vault installed prior to lowering of the casket.
- 9.5 No person shall bury or cause to be buried:
- (a) the remains of a child one (1) week old or less in a Grave that is less than 1 meter (3.3 feet) below the surface of the ground surrounding the Grave;
 - (b) the ashes of a person in a Grave that is less than 1 meter (3.3 feet) below the surface of the ground surrounding the Grave; and
 - (c) any other human remains in a Grave that is less than 2 meters (6.6 feet) below the surface of the ground surrounding the Grave.

- 9.6 No person shall bury in one (1) Grave more than one (1) person's remains or ashes, except where:
- (a) in a Grave Lot, the remains of a mother and her child one (1) week old or less are buried at the same time;
 - (b) in a Grave Lot, the remains of one (1) person and the ashes of not more than five (5) persons are buried; or
 - (c) in a Cremation Lot, the ashes of not more than six (6) persons are buried.
- 9.7 Funeral Directors shall have all applications for interment in the Cemetery signed by the Owner of the Lot or Grave in which such interment is to be made or by legal representatives of such Owner.
- 9.8 No second interment shall be permitted in any Lot on which there are unpaid charges are due and payable to the Town.
- 9.9 The CAO shall have the sole right and authority to approve erecting tents, adjust lowering devices and trim Graves at all burials in the Cemetery and the person requesting such work to be done shall supply all the necessary, safe and proper material to perform such work.
- 9.10 No person shall disinter human remains or ashes from the Cemetery without the written authorization of the CAO and no such authorization shall be provided without:
- (a) written application from the Owner of such Grave; and
 - (b) a permit for such disinterment from the Provincial Director of Vital Statistics (Alberta); or
 - (c) a directive from a court or law enforcement agency having proper authority and jurisdiction.
- 9.11 Should a disinterment take place, the Lot or Niche shall revert to the Town for resale.
- 9.12 The body of any person which was infected at the time of death with any specified communicable disease, as defined in the regulations of the *Public Health Act (Alberta)*, shall not be taken into any church, chapel or public vault within the Town, but shall be transferred directly from the place of death to the place of burial and no person except the officiating Member of the Clergy, Funeral Director and those whose attendance is absolutely necessary shall attend the funeral or burial of any such body unless the said body has been placed in an airtight, hermetically sealed container in accordance with the regulations of the *Public Health Act (Alberta)*.

10. GENERAL PROVISIONS

- 10.1 All work in and around the Cemetery shall be discontinued during any burial service.
- 10.2 Every Lot Owner placing a Memorial Tablet, Monument or other object in the Cemetery does so at their own risk and the Town shall not be responsible for damage, destruction or defacement of such items.
- 10.3 No fires are permitted within any portion of the Cemetery.

10.4 While inside the Cemetery, no person shall:

- (a) willfully destroy, mutilate, write on, deface, injure, or remove any Monument, Memorial Tablet, Marker, Niche cover or any structure, vehicle, building, machinery, tool, equipment, or any material placed or left in the Cemetery, or any railing, fence or other work for the protection, maintenance or ornamentation of the Cemetery or burial Lots; or
- (b) willfully destroy, cut, pick, break or injure any tree, shrub, or plant; or
- (c) willfully play any game or sport; or
- (d) willfully discharge or carry a firearm except firearms at a military funeral; or
- (e) willfully commit a nuisance; or
- (f) at any time behave in an indecent or unseemly manner in the Cemetery; or
- (g) turn loose, ride or allow at large any horses, dogs, cats, or any other animal in the Cemetery.

10.5 The Town shall have the right to prohibit entry to any person or persons who do not have related business in the Cemetery.

11. ENFORCEMENT

11.1 Any Peace Officer is hereby authorized to enforce the provisions of this bylaw and to issue offence tickets to any person to whom they reasonably believe has contravened the provisions of this bylaw.

11.2 Any person who violates any provision of this bylaw is guilty of an offence and is liable to a fine of not less than five hundred dollars (\$500) and not more than two thousand five hundred dollars (\$2,500).

12. SEVERABILITY

Should any provision of this bylaw be invalid, then the invalid provision shall be severed and the remainder of the bylaw shall be maintained.

13. REPEALS

Bylaw No. 13-93 and all amendments thereto are hereby repealed.

14. EFFECTIVE DATE

This Bylaw shall come into full force and effect on the date of passing of the third and final reading.

READ for a first time this 10th Day of February , 2020 A.D.


READ for a second time this 10th Day of February , 2020 A.D.

UNANIMOUS CONSENT RECEIVED FOR THIRD AND FINAL READING

READ for a third time this 10th Day of February , 2020 A.D.



TIM MACPHEE, Mayor



CLIFF CRAIG CLGM, Town Manager

Mayor's Initials	CAO'S Initials
---------------------	-------------------