



BYLAW NO. 2022/07/E

Name of Bylaw: Cemetery Bylaw

Being a bylaw of the Town of Drayton Valley in the Province of Alberta to provide for the maintenance and control of cemeteries under the jurisdiction of the Town of Drayton Valley.

WHEREAS, the Town of Drayton Valley has authority under the Cemeteries Act, Chapter C-3 of the Revised Statutes of Alberta 2000, and the Municipal Government Act, Chapter M-26 of the Revised Statutes of Alberta 2000, and amendments thereto, to make and adopt regulations for the maintenance, operation, and control of cemeteries under the jurisdiction of the Town of Drayton Valley.

AND WHEREAS, the Town of Drayton Valley considers it expedient and in the best interests of the Town to make and adopt such regulations:

NOW THEREFORE the Council of the Town of Drayton Valley, duly assembled, hereby enacts as follows:

1. The Cemeteries Act, Chapter C-2 of the Revised Statutes of Alberta 1980, and amendments thereto, and the regulations under the Cemeteries Act respecting the establishment, operation, maintenance, and licensing of cemeteries, are hereby adopted and shall form part of this bylaw.

2. DEFINITIONS

In this bylaw, unless the context otherwise requires:

"Adult" shall mean any person over the age of eighteen (18) years.

"Burial" shall mean the interment of human remains in a Plot.

"Burial Permit" means a Permit issued to bury, transport, or otherwise dispose of a dead body, as defined by the Alberta Vital Statistics Act or a document of disposition from another Province, Territory or Country.

"CAO" means the Chief Administrative Officer of the Town of Drayton Valley.

"Central Cemetery" means the Cemetery owned by the Town located at Plan 5935HW, Block 5, Lot 1 in the Town of Drayton Valley.

"Cement Base" shall mean a rectangular piece of precast cement of four (4) inches (10) centimeters thickness so placed as to be level with the surrounding ground

"Cemetery Administration" means the Town employee(s) appointed by the CAO or his/her designate for the administration of all Cemetery Records for the Cemeteries that are owned and operated by the Town.

"Cemetery Records" means the permanent records of all sales, location descriptions and the names of persons interred, and the dates associated these records or transactions.

"Cemetery Services" means the supplying of any service to be rendered at a Cemetery in respect to any Plot or Niche. Services include burial rights, perpetual care, opening & closing of plots, storage and installation of vaults or liners and permits to erect a monument or install a marker

"Child" shall mean any person over the age of five (5) and under the age of seventeen (17) years.

"Columbarium" means a permanent structure designed for storing cremated remains.

"Council" means the Council of the Town of Drayton Valley.

"County" shall mean Brazeau County.

"CPO" means a Community Peace Officer employed by the Town.

"Cremation Plot" means a plot designated for the internment of cremated remains capable of accommodating up (2) urns.

"Cremated Remains" shall mean the remnants of the human body following the cremation process.

"Disinterment" means the removal of human remains or cremated remains from a plot or niche.

"Flat Monument" shall mean a memorial of bronze, marble, granite, fiberglass, or other non-deteriorating material, to be placed flush with the surrounding ground, with the epitaph to be inscribed on the top surface.

"Field of Honor" means a section of the Cemetery designated for the interment of Veterans.

"Funeral Director" means a person who holds a Funeral Director License issued under Section 19 of the Funeral Services Act – General Regulation 226/1198.

"Funeral Home" means a business involved in the care and preparation of human remains and other arrangements necessary for their Internment and includes the supply of goods or services incidental to that purpose as well as the arrangement and direction of memorial rituals or ceremonies but does not include the sale of Leases for Plots or Niches, in accordance with the Funeral Services Act.

"Full Sized Plot" Shall mean the maximum sized Plot available at the Cemetery capable of accommodating one casket, 1 casket and 3 urns or 4 urns.

"Holiday" means all general and statutory holidays proclaimed by the Government of Canada, Province of Alberta, or Town of Drayton Valley.

"Indigent Person" means a person without means, support or known relatives requiring Internment in the Cemetery.

"Infant" means any person at least (one) 1 day of age and younger than (5) years of age.

"Internment" means the burial of human remains in a plot or niche.

"Lease Agreement" means a contract between the Town and a lease holder that specifies the terms and conditions for internment rights in a plot or nice within a Cemetery that is owned and operated by the Town.

"Liner or Vault" means a container placed in the ground to totally enclose a casket in a plot in a Cemetery. The container is designed and built to withstand the weight of the earth and standard Cemetery maintenance equipment. The type, material and size of the Liner or Vault shall be pre-approved by the Cemetery Administration.

"Monument" Means a structure of approved materials and size for memorial purposes placed on any plot, indicating the person (or persons) interred in that Plot or Niche. A

Monument may include a Flat Monument, Pillow Monument, Upright Monument or Niche Cover.

“Monument Installer” means a person employed or contracted by a certified monument company for the installation of a Monument.

“Newborn” shall mean an Infant who is not older than (28) twenty-eight days of age.

“Niche” means a single compartment with a columbarium designed and constructed for the safe, above ground interment of cremated remains.

“Peace Officer” means a Peace Officer appointed as such by the ministry of Justice and Solicitor General, a Bylaw Enforcement Officer appointed by the municipality, a designated offer as defined by the Municipal Government Act, or a member of the *Royal Canadian Mounted Police*

“Permit” means a prescribed form supplied by the Town for application to carry out any work within the Cemetery.

“Perpetual Care” means the preservation, improvement, embellishment, and maintenance in perpetuity and in a proper manner of plots, monuments, columbarium, or other space in a Cemetery, in accordance with the Cemeteries Act.

“Plot” shall mean a specific area designated for the Burial of human remains. All plots are laid out with a description that includes a corresponding Block number and Plot number.

“Resident” means any person, for whom the purchase of any Lease in being made, who is or was currently residing in the Town on the date immediately preceding the date of purchase of that Lease. A person who resided in the Town within the preceding five years of the date of the Lease purchase, who currently resides in an approved assisted living or nursing home that is located outside of Town boundaries is also considered to be a Resident.

“Riverview Cemetery” means the Cemetery owned by the Town located in NW1/4-10-49-7-W5 in Brazeau County.

“Town” means the Town of Drayton Valley.

“Urn” means a container used for storing cremated remains

“Veteran” means a current or former member of the Royal Canadian Armed Forces (RCAF) or as defined by the Department of Veteran Affairs Canada.

“Violation Ticket” means a ticket issued in accordance with the Provincial Offences and Procedure Act.

3. SUPERVISION AND CONTROL

- a) The cemeteries of the Town of Drayton Valley shall be under the general supervision, charge, and control of the Town, and the books, plans, records, documents, and instruments relating to the cemeteries shall be under the supervision, charge, and control of the Cemetery Administration.
- b) The cemeteries of the Town of Drayton Valley shall be under the general supervision, charge, and control of the Town, and the books, plans, records, documents, and instruments relating to the cemeteries shall be under the supervision, charge, and control of the Cemetery Administration.
- c) The Town shall ensure the orderly maintenance and beautification of the cemeteries and enforce the requirements of this bylaw and provincial statutes.
- d) No person shall:
 - i. Allow any animal within the confines of the Cemetery unless specifically authorized by the Cemetery Administration.
 - ii. Disturb the quiet or good order fo the Cemetery by improper noise, boisterous or improper conduct or any other act or deed.
 - iii. Destroy, prune, cut or any manner disturb or deface an article of part of an article in the Cemetery.
 - iv. Plant, seed, or place anything, an object or part of an object in the Cemetery that is contrary to this Bylaw.

v. Walk upon or across plots. The use of the roads and walkways are mandatory for safety reasons and to preserve the condition of the plots.

- e) The Cemetery Administration reserves and shall have the right to give prior authorization to any person to perform work in the Cemetery. The Cemetery Administration reserves the right to request a certificate of insurance, showing coverage for liability and personal injury and damage to the property of others, from any contractor or business authorized to perform services and/or work in the Cemetery.
- f) Unless part of a funeral procession, animal-drawn vehicles may not enter the Cemetery.
- g) Firearms will only be authorized by the Cemetery Administration, including military Guard of Honour and Federal or Provincial law enforcement personnel are permitted to bring into or carry firearms within the Cemetery. Military guards participating in a military or law enforcement funeral must be under the direction and control of a military or law enforcement officer.
- h) The Cemetery Administration reserves the right to remove or prune any trees or shrubbery previously planted which may mar the appearance, encroach upon or interference with plots, trees or plants that may previously have been planted without Cemetery Administrations permission.

4. LIABILITY

- a) While the Cemetery Administration, will take reasonable precautions to protect the property of the Lease Holders, the Town and its representatives will not assume any liability nor responsibility for the loss or damage to any Monument or part thereof or any article of any type that may be placed on a plot or with proximity to a plot. The Town and Cemetery Administration accept no responsibility for the maintenance of Monuments due to the normal wear and deterioration. Minor scraping of the Base of an Upright Monument due to lawn mowing and snow removal is considered normal wear.
- b) Persons entering the Cemetery shall do so at their own risk. The Town and Cemetery Administration shall not be responsible for any injuries resulting to any person who enters the Cemetery owned and operated by the Town.

- c) The Town and Cemetery Administration assume no liability for flowers or decorations placed on or surrounding plots within the Cemetery or for any damage incurred through vandalism or other acts outside of its control.
- d) Floral and other tributes shall be placed on the Monument or concrete base. Decorating with fresh cut and artificial flowers is appropriate and welcomed. Decorations must be placed within unbreakable and approved vases as advised by the Cemetery Administration.

5. OPERATION

- a) Perpetual care of cemeteries shall be provided by the Town. A one-time fee will be charged as set by Resolution of Council.
- b) The person responsible for organizing the Cemetery services shall make the necessary interment arrangements. No interment will be scheduled until properly accepted and approved by the Cemetery Administration.
- c) All fees for burial rights, opening and closing, disinterment or monument permits shall be those fees set by resolution of Council from time to time.
- d) Any person requesting any service shall pay fees in advance or make such arrangements as may be approved by the Cemetery Administration.
- e) No services shall be provided unless all forms, permits and documents have been completed and issued.
- f) All requests for burials shall be made 3 business days preceding the date and time of the interment unless special arrangements are made with the Cemetery Administration. All requests for cremation burials shall be made 2 business days preceding the date and time of the interment unless special arrangements are made with the Cemetery Administration. All additional costs incurred as a result of such special arrangements are to be borne by the person requesting the burial arrangements.
- g) Burial, interment, funeral services, and monument installations shall take place during those hours and days considered normal working hours for Town staff.

Notwithstanding which, the Town Manager or designate may make exceptions to this clause as may be required.

- h) The Cemetery Administration has the right from time to time, to change the layout, establish, close, eliminate, modify, change the location of the roads and walks, resurvey, enlarge, alter, or change any portion of the Cemetery as necessary to be used as internment areas or for the erection of buildings or services.
- i) Plots and Niches in the Cemetery shall be used only for the internment of human remains and human cremated remains. All internments must be arranged with the Cemetery Administration. Cremated remains may be interred in a plot or niche but may not be scattered in any area or on any plot.
- j) Burial and monument installations shall take place during those hours and days considered as normal working hours for the Town. However, the Town may make exceptions to this clause as required on a case-by-case basis.
- k) Funerals must reach the Cemetery no later than 3:00pm on the date of internment, unless otherwise arranged with Cemetery Administration. A charge for overtime will be made if necessary for the Town employees to remain at the Cemetery outside their usual working hours.
- l) Cemetery Administration reserves the right to limit the number of internments within a working day.
- m) Funeral directors are responsible for the supply and operation of the lowering devices, safe operation and extinguishment of burn barrels, the supply and placement of Burial greens and any set-up of wreaths and flowers around the Plot. Funeral Directors must remain at the Cemetery for the duration of the service and provide notice to the Field Crew that the service has ended.
- n) The Cemetery Administration shall furnish graves in the Cemeteries for unclaimed bodies of deceased persons of any religious denomination. Burial type and rates will be subject to special provisions set forth in Provincial Cemetery legislation and regulations.

- o) Concrete liners are required for all full burials of a deceased person five (5) years or older. Concrete liners shall be at the Cemetery at least two (2) hours before the set interment time.
- p) Disinterment's of human remains shall only be permitted with the written consent of the Cemetery Administration and Lease Holder, next of kin or executor of the deceased in accordance with proper legal procedures as set out in the Provincial legislation and regulations. Disinterment's will only be scheduled upon issuance of a Disinterment Permit from the Department of Vital Statistics.
- q) Any damage done to walks, lots, roads or landscaping by contractors or their agents shall be repaired by the Cemetery Administration and the cost of such repair shall be charged to the contractor. The Cemetery Administration reserves the right to stop all work of nature, if in its judgement is unsafe or violates any rule or regulation of the Cemetery.

6. MONUMENTS

- a) Section A, B, C, D, E & F of the Riverview Cemetery, and the Central Cemetery shall only allow for the placement of flat, pillow or upright monuments.
- b) A permit for the installation, repair, or refurbishment of all monuments, must be obtained from the Cemetery Administration prior to installation. The permit must include the size, type, and material of the monument as well as the estimated date of installation.
- c) All monuments shall be placed on a precast concrete base. The precast concrete base shall be a minimum of four (4") inches (10 cm) in thickness, and shall provide for a minimum four (4") inch (10 cm) border around the perimeter of the monument, however in no case, shall the concrete base extend beyond the boundaries of the width of the plot and in no case shall exceed twenty-four (24") inches (61 cm) in length in the case of an adult grave, and eighteen (18") inches (46 cm) in length in the case of a child's grave or cremation plot.
- d) The Town shall be advised at least 24 hours in advance of the installation of a monument unless other arrangements have been made with the Cemetery Administration.

- e) Any monument that is tilting or leaning is deemed to be a safety concern. The Cemetery Administration will attempt to contact the Lease Holder and relevel the monument. If any damage is done to the monument, the Cemetery Administration shall not be deemed responsible. If the Lease Holder is inaccessible, or does not take timely action, the Monument may be removed by the Cemetery Administration due to the safety concern. The Cemetery Administration will not be responsible for any costs incurred by a Lease Holder or person, because of the Cemetery Administration disposing of the Monument or any other item.
- f) No person shall erect a Monument on weekends (Saturday and Sunday) or Statutory Holidays, or after 4pm on weekdays (Monday to Friday). No work will be done upon any Monument, nor shall any monument be removed from any plot without the notification and permission of the Cemetery Administration.
- g) Monuments remain the personal property of the Lease Holder. Maintenance, repairs, and care are the responsibility of the Lease Holder and/or the next of kin and will also be liable and responsible for damages from theft or vandalism.
- h) The base shall be placed parallel to and even with the head of the plot, and flush with the surrounding ground.
- i) The inscription must conform to Town records.
- j) The Cemetery Administration must be advised twenty-four (24) hours in advance of the installation of monuments unless other arrangements have been made with the Town.

7. LEASE OF BURIAL RIGHTS

- a) Plots and Niches may only be sold by the Cemetery Administration in the cemeteries owned and controlled by the Town. Burial rights shall be awarded in the form of a twenty (20) year lease, to become perpetual upon interment.
- b) Leases for plots and niches shall be sold by the Town for internment purposes only. The fees for the plots and niches are specified in the Town's fee schedule.

- c) Lease holders are not authorized to sell their plot or niche to another person. Plots and Niches may only be sold back to the Town in accordance with the Alberta Cemeteries Act, Generals Regulations 249/1198, as amended at the original purchase price.
- d) Lease holders may transfer their plot or niche to another person with written permission from the Town.
- e) No burials or interments shall be permitted in the Cemetery until the information required by the Bylaw has been provided to the Cemetery Administration. The following is information required:
 - i. Full legal name of the person for whom the lease is designated
 - ii. Place and date of birth
 - iii. Gender
 - iv. Date of death, if applicable
 - v. Location of the plot or niche
 - vi. Name and address of the person or agency responsible for payment of the interment fees.
 - vii. If a vault or liner is required
 - viii. For veterans interred in the field of honor, the regimental and service number.

8. INTERNMENT OPTIONS

- a) For the burial of human remains in a full-size plot with a casket, the plot must have a depth to allow for a minimum of 3 feet/ 1 meter of earth between the upper surface of the casket and the level of the ground. The vault liner must be no greater than 39 inches in width and 8 feet in length.
- b) A full-size plot can accommodate, 1 casket, 1 casket and up to 3 urns or 4 urns.

- c) Casket within the Cemetery shall not be opened at any time without the written authorization of the Town and in the presence of the Cemetery Administration. Such authorizations will not be given without the written consent of the legal representative of the deceased or without an order from a duly constituted authority having jurisdiction.
- d) A cremation plot can accommodate up to 2 urns. All cremated remains shall be brought to the Cemetery in a suitable container. A suitable container is defined as one which is rigid, completely enclosing the remains and prevents any physical or visual contact with secretions or viewing of the deceased person.

9. COLUMBARIUM

- a) The lease of a niche in the Columbarium covers the cost of the niche, the plaque, first opening & closing and all future care of the structure.
- b) The number of urns permitted in a niche shall be specified by the Cemetery Administration at the time the lease is signed.

10. REGULATIONS

- a) From time to time, the town of Drayton Valley 's Maintenance Personnel may do a general cleanup of floral or other tributes placed at the time of internment, or any other time if they become unsightly. The Maintenance Manager will use good judgement to see which florals or tributes shall be removed.
- b) Floral or other tributes other than those placed at the time of internment shall be in a vase which must be on the monument and or base.
- c) No person shall erect a fence, railing, wall, coping, hedge, or shrub in or around any plot or destroy, damage, deface or write upon any monument, or other structure or object in any cemetery.
- d) All grading, seeding of grass and sodding work shall be done under the direction of the authorized Town staff.

11. OFFENCES

- a) Any person that violates any provision of this Bylaw is guilty of an offence and is liable to a fine and possible imprisonment for a period not exceeding one (1) year or both the fine and imprisonment in such amounts.

- b) The Bylaw Enforcement Officer or a Peace Officer of the Town of Drayton Valley may enforce the provisions of this bylaw and may issue an offence ticket to any person found to have committed a breach of the bylaw. The offence ticket shall state the alleged offence, the bylaw number, and the name "Cemetery Bylaw" and shall require payment of the appropriate fine. The proposed fine amount is \$250.00 when any person disobeys the directive sign placed at the cemetery owned by the Municipality.

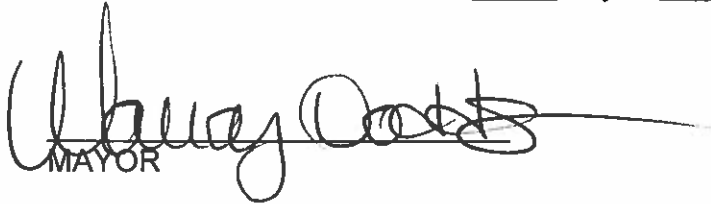
- c) No person shall erect a fence, railing, wall, coping, hedge, or shrub in or around any plot or destroy, damage, deface or write upon any monument, or other structure or object in any cemetery.

AND THAT this Bylaw shall rescind Bylaw No. 96-18 of the Town of Drayton Valley and shall have force and come into effect from and after the date of third reading thereof.

Read a first time this 25th day of May, 2022, A. D.

Read a second time this 25th day of May, 2022, A. D.

Read a third and final time this 25th day of May, 2022, A. D.


MAYOR


CHIEF ADMINISTRATIVE OFFICER

