

TOWN OF OLDS

Bylaw No. 01-08

Cemetery

Being a Bylaw of the Town of Olds in the Province of Alberta to provide for the **Control and Management of the Olds Cemetery.**

WHEREAS pursuant to the provision so The Municipal Government Act, Statutes of Alberta, 1994, Chapter M-26-1, as amended, and the regulations set forth in The Cemeteries Act of the Province of Alberta, the Council of the Town of Olds deems it expedient to pass a Bylaw to provide for the Control and Management of the Olds Cemetery.

NOW THEREFORE the Council of the Town of Olds, in the Province of Alberta, enacts as follows:

1. Short Title: this Bylaw may be cited as the Cemetery Bylaw.

2. Definitions:

- 1.1 **Base:** shall mean the bottom part of lower portion of a monument.
- 1.2 **Block:** shall mean an area of more than one plot.
- 2.3 **CAO:** shall mean the Chief Administrative Officer of the Town.
- 2.4 **Cemetery:** shall mean the following land hereby declared to be the cemetery of the Town of Olds and shall hereafter be known as the Olds Cemetery, namely;
- i. Block B, Plan 8910769
 - ii. Block C, Plan 9312436
- 2.5 **Columbarium:** shall mean an above ground structure containing compartments for interring cremains.
- 2.6 **Constable:** shall mean a member of the Royal Canadian Mounted Police or a Special Constable as appointed by Alberta Justice and the Town of Olds.
- 2.7 **Council:** shall mean the Council of the Town of Olds.
- 8.8 **Licensee:** shall mean a person or persons who purchase a lot or lots in the cemetery.
- 8.9 **Lot:** shall mean a subdivision of land or a niche in a columbarium for the purpose of interment in the cemetery as shown on the cemetery map on record with the Town.
- 8.10 **Maintenance Period:** shall mean that period from the conclusion of the Victoria Day statutory holiday weekend in May to Labour Day statutory holiday weekend in September.

2. Definitions: ...con't

- 8.11 **Monument:** shall mean a memorial serving to help people remember a person buried in the cemetery that when permanently constructed or erected:

- i. Can extend above the surface of the ground.
- ii. Can be flush with the ground
- iii. Can be etched on a niche cover.

8.8 Niche: shall mean the single compartment of a Niche cover.

8.9 Non-resident is a person who has not resided in the Town of Olds for the majority of the previous ten consecutive years.

8.10 Permit: shall mean a prescribed form by the Town for application to carry out any work at the Cemetery.

8.11 Plot: shall mean an area large enough for (2) two or more lots.

8.12 Resident is a person whose primary residence is in the Town of Olds, or has resided in the Town of Olds for the majority of the previous ten consecutive years.

8.13 Town: shall mean the Town of Olds.

8.14 Veteran: shall mean a veteran as defined by regulations of The War Veterans Allowance Act.

3. General Rules:

1.1 No person shall, while in the cemetery:

- a. Wilfully destroy, mutilate, deface, injure, write upon or remove any monument, marker or other structure or object placed in the cemetery or any fence, railing or wood installed for protection or ornamentation.
- b. Wilfully destroy, cut, break, pick or injure any tree, shrub or plant.
- c. Play at any game or sport or discharge any firearm except at a military funeral.
- d. Wilfully or unlawfully disturb the quiet or good order of the cemetery or persons assembled for the purpose of burying a body by improper noise or conduct.
- e. Be a nuisance, or at anytime behave in an indecent or unseemly manner.
- f. Interfere with the cemetery or any lot, monument, marker, or other structure.
- g. Drive a vehicle at a speed in excess of (15) km per hour.

1.1 The Town may prohibit the driving of any vehicle in the cemetery when the roads are in an unfit condition and may prohibit the driving of vehicles in any part of the cemetery. The owner of any vehicle shall be responsible for any damage done by vehicle within the boundaries of the cemetery.

1.2 Vehicles in the cemetery shall keep to the roads provided except cemetery employees in the performance of their work.

1.3 No pets shall be allowed in the cemetery.

1.4 Persons within the cemetery shall use only the roads and walks and no one is permitted to walk upon or across lots except cemetery staff in the performance of their work. The Town expressly disclaims liability for any injuries sustained by anyone violating this rule.

3. General Rules:con't

1.5 All work in the immediate vicinity of a lot shall be discontinued during a burial service.

4. Block, Plot and Lot:

1.1 The CAO or designate shall make all sales of lots in the cemetery including columbarium niches and shall receive all monies resulting from the sale of such lots.

- 1.2 The Town reserves the right to limit the number of lots developed and/or make available for sale each year; and to direct the area and sequencing of development and lot sales.
- 1.3 The CAO or designate shall keep a current account of all monies received therefrom and of all expenditures made in connection with the cemetery, the location of each lot, the name of the licensee of each lot, the name and location of each and every interment and disinterment and all other transactions necessary to keep a complete record of all business transacted in the cemetery.
- 1.4 The fees for the purchase, opening or closing of lots and the inscription on a niche at the cemetery shall be in accordance with the rates set out in **Schedule 'A'** attached hereto and forming part of this Bylaw.
- 1.5 Any person acquiring a lot or lots under the provision of this Bylaw shall only acquire the right and privilege of burial of the dead therein subject to the provisions of this Bylaw and shall not be deemed to acquire any title to the land which shall remain vested in the name of the Town.
- 1.6 If the Town for any reason deems a previously purchased lot unusable, the Town will supply a similar lot at no cost to the original purchaser or heirs and the original lot shall revert to the Town.
- 1.7 Cemetery lots may be resold, but such sale must be registered with the Town or a fee set out in the Town of Olds Rates Bylaw at the time of sale. Field of Honour lots may only be resold to the Town or only to a veteran as defined in Section 2.16.
- 1.8 No lots shall be further subdivided or altered in any manner at variance with the cemetery plans, unless authorized by the Town.
- 1.9 The Town shall take all reasonable precautions to protect licensees and the property rights of the licensee within the cemetery from loss or damage; but the Town distinctly disclaims all responsibility or liability for loss or damage from causes beyond its control and especially from damage caused by the elements, of an act of God, common enemies, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots, or an order of a military or civil authority.

5. Interments and Disinterments

- 1.1 No lot shall be used for any other purpose than for the burial of the human dead.
- 1.2 No interments in an adult lot shall contain more than (2) cremains, or (1) adult and (1) cremain, or (1) adult and (1) infant or (2) infants buried in (1) casket.

5. Interments and Disinterments...con't

- 1.3 The depth of burial from the surface the surrounding ground shall be 1.83m (six feet) for an adult and 1.21m (four feet) for an infant with the exception of cremains.
- 1.4 Whenever a block, plot or lot is held jointly by two or more parties, authority for interment in such block, plot, or lot or any part thereof will be accepted by the Town from anyone of the said parties or their executors or agents.
- 1.5 No interments shall be permitted in the cemetery until an approved burial permit has been filed with the Town.
- 1.6 The Town shall make available lots in the cemetery for unclaimed bodies of deceased person and for the bodies of indigent persons.
- 1.7 The owner of a lot, or person instructing the Town to open a lot shall be responsible to give complete

and precise instructions regarding the location of the lot and the Town shall not be responsible for any errors resulting from the lack of proper instruction.

- 1.8 The Town assumes no liability or responsibility for any interments.
- 1.9 Notwithstanding any other provision of this bylaw, orders for burials must reach the Town (48) hours (two clear working days) before the burial is to take place, unless the CAO, for emergency reasons, otherwise allows.
- 1.10 Burial services are not permitted on Sunday. Burial services shall be primarily conducted between the hours of (8:00 a.m. to 3:30 p.m.) Monday to Friday inclusive. If burial service is required after 3:30 p.m. or on Saturday or Statutory Holidays, such fees to provide same shall be based on the rate as stated in the Town of Olds Rate Bylaw.
- 1.11 Lots shall be opened and closed only by person employed by the Town and no person or persons, not under the control or employment of the Town shall open or close any lot for the purpose of interring or removing a body.
- 1.12 No remains shall be disinterred or removed from the cemetery for any purpose unless a Licensed Funeral Director is in charge, the RCMP are advised and a disinterment permit has been issued by the Director of Vital Statistics. Disinterment fees will be as set out in the Town of Olds Rate Bylaw. Nothing in this Section or Bylaw restricts cremains being disinterred from the columbarium, by application to the Town on the approved form.
- 1.13 Blocks 1 to 24 inclusive are closed to burials, unless otherwise permitted by the CAO or designate. However, reserved lots or cremains will be accommodated to the best of the Towns ability or Section 4.6 will apply.
- 1.14 All burials must have cement liners, as a minimum, except cremains.

6. Care of Lots

- 1.1 The Town is the sole provider of general care services of the entire cemetery. The licensee of a lot shall observe all rules and regulations passed from time-to-time by the Town for keeping lots in order.

6. Care of Lotscon't

- 1.2 No person shall place, erect or plant any object in any part of the cemetery, with the exception of temporary memorial funeral designs or floral pieces.
- 1.3 The cemetery employees shall have authority to remove all floral designs, flowers, weeds, trees, shrubs, plant or herbage of any kind from the cemetery as soon as they become unsightly, dangerous, detrimental or diseased.
- 1.4 The Town reserves the right to prevent the planting or removal of any flowers, floral designs, trees, shrubs, plants or herbage of any kind.
- 1.5 The Town shall undertake to maintain as may be practicable, the planting of trees and shrubs to preserve and maintain landscape features.
- 1.6 All flowers, funeral designs or floral pieces will be removed from lots thirty days after interment. Lots will then be covered with loam and seeded to grass by the Town during the cemetery maintenance period. The Town shall have the authority to remove any flowers, funeral designs or floral pieces, which are in the opinion of the Town unsightly or interferes with regular maintenance.

- 1.7 The Town shall report to a family member or responsible party of an installation that it is in disrepair. It shall be the duty of the family member or responsible party to repair or remove such installation within thirty days of notice by the Town.
- 1.8 The Town is not obliged to provide, maintenance beyond the maintenance period due to damage that can occur to the grounds and/or the difficulties of the frozen/thaw seasons. The Town reserves the right to alter the commencement and termination of the maintenance period for whatever reason.
- 1.9 If any installation, interment or disinterment is made outside the maintenance period any remedial work to the grave or grounds will be performed in the next maintenance period.

7. Perpetual Care

- 1.1 Perpetual care, for the purposes of the Bylaw, shall mean care of the grounds and any shrubs, trees, walkways, structures, fencing or gates installed by the Town. The Town shall not provide perpetual care for lot site installations including borders, monuments, or ground covers.
- 1.2 The Town may authorize lot site repairs when the Town is unable to locate any family members.

8. Field of Honour Section

- 1.1 The Town shall set aside an area, which shall be known, as the "Field of Honour," which shall be reserved for the burial of veterans.
- 1.2 No interments shall take place in the Field of Honour Section, unless an application for burial on the prescribed form has been fully completed and signed by the applicant. The Town assumes no responsibility for applications made in error or falsely completed.

8. Field of Honour Sectioncon't

- 1.3 No reservations are permitted, unless both the husband and spouse qualify as a veteran. The reservation can only be made after one or the other spouse is interred.
- 1.4 A spouse may be interred in a veterans lot, but only after the veteran has been interred. Only one (1) casket and one (1) cremain or two (2) cremains are permitted in one (1) lot.
- 1.5 Only pillow type head stones, consistent with those approved by Veterans Affairs Canada are permitted.
- 1.6 Headstones may be 55.8cm (one foot ten inches) or 76cm (two foot six inches) in width, 30.5cm (one foot in length), 15.2cm (six inches in depth at the back) and 7.5cm (three inches in depth at the front of the stone), to a maximum of two per lot if both are veterans.
- 1.7 Two headstones 55.8cm (one foot ten inches) in width, or one headstone 76cm (two foot six inches) in width, are permitted on one plot, but two headstones are only permitted if both interments are qualifying veterans pursuant to Section 2.16.
- 1.8 For a spouse not qualifying as a veteran, but interred in the same lot, the name and date of the spouse may be engraved on the headstone, or a brass plate may be attached.
- 1.9 The resale of lots is prohibited except to the extent provided by Section 4.7.
- 1.10 No more than fifty percent of the normal adult lot fee will be charged to veterans, as per attached

Schedule "A."

9. Monuments and Lot Site Installations

- 1.1 Any and all work at the cemetery requires the authorization of the Town.
- 1.2 Any of the construction or planting mentioned in Section 6.2 in existence before the passing of this Bylaw, may at the discretion of the Town be removed free of charge by the Town upon request by the licensee or may be removed by the Town from time-to-time, if by reason or neglect or age, they become in a state of disrepair.
- 1.3 No monuments will be permitted that are manufactured of cement artificial stone, wood, metal, plastics, glass, tin, iron or combinations thereof.
- 1.4 All monuments shall be placed at the head of the plot or lot on solid ground and shall be in a line designated by the Town. No foot markers will be permitted.
- 1.5 Excluding the Field of Honour, only one monument will be allowed per lot. If a second memorial is required pursuant to Section 5.2, it must be a flat marker not to exceed 762mm x 762mm (30" x 30").
- 1.6 All persons erecting monuments shall ensure that the surrounding areas are left in the same condition as found.

9. Monuments and Lot Site Installationscon't

- 1.7 Only flat monuments are permitted on common infant lots to a maximum size of 610mm x 610mm (24" x 24").
- 1.8 All persons employed in the construction and erection of monuments or doing other work in the cemetery, whether employed by the Town or not, shall be subject to the direction and control of the CA or his/her designate.
- 1.9 Block 32 shall be reserved for the installation of flat markers only which must be installed at ground level. No upright or pillow markers will be permitted in this block.
- 1.10 All monuments shall be installed directly on the concrete runners provided, with or without a base, and include the Field of Honour, in accordance with the following dimension which include the base:
 - i. Maximum of 300mm or 12 inches in depth in block 35.
 - ii. Maximum of 400mm or 16 inches in depth in block 34.
 - iii. Maximum of 400mm or 16 inches in depth in all other blocks.
 - iv. Maximum of 1200mm or 48 inches in width at the widest part in all blocks.
- 1.1 The total combined height of a monument and base shall not exceed 1200mm or (48 inches).
- 1.2 In the cremation section, markers shall be installed on the runners provided with a minimum size of 610mm x 610mm (24" x 24") and a maximum size of 762mm x 762mm (30" x 30").
- 1.3 The supervisor shall consider all foundations for the erection of monuments or markers. The foundation shall extend **152mm** (six inches) in all directions beyond the bottom base at ground level.
- 1.4 No lot shall be covered by any slab of concrete, stone or other similar material. The lot will be sown to grass by the Parks and Recreation Department and kept level with the surroundings.
- 1.5 No monument shall be erected in the cemetery until the design, description and material composition

has been approved by the Town, and a permit on the prescribed form has been issued by the Town for the erection thereof for a fee set out in Schedule "A." Such structure shall be erected according to the provision of this Bylaw and under the direction of the CAO or designate.

- 1.6 All monuments must be checked and verified by the CAO or designate for compliance with this Bylaw prior to installation.
- 1.7 Employees of the cemetery are not permitted to do any work for lot owners except upon order of the CAO or designate.

10. Enforcement of Rules

- 1.1 The Town is hereby empowered to enforce all rules and regulations and to exclude from the cemetery, any persons violating it. The Town shall have charge of the grounds and the buildings including the conduct of funerals, traffic employees, licensees and visitors, and at all times shall have supervisions and control of all persons in the cemetery.

10. Enforcement of Rulescon't

- 1.2 The Town may remove all installations at the cemetery made without authorization by the Town.
- 1.3 All installations in the cemetery not conforming to the rules, regulations and provisions of the bylaw, may be made to conform by the Town, except where such conformity may destroy the installation.
- 1.4 A Constable or Town employee from time-to-time in charge of the cemetery may evict therefrom, using such force as is reasonably necessary, or denies entrance to any person who contravenes any of the provisions of this Bylaw.

11. Summary Convictions

- 1.1 Any person, who contravenes any provision of this Bylaw, is guilty of an offence and is liable on summary conviction to a fine not exceeding \$10,000. (Ten Thousand Dollars), or to imprisonment for not more than one year, or to both fine and imprisonment.
- 1.2 If a person is found guilty of an offence under this Bylaw, the court may, in addition to any other penalty imposed, order the person to comply with this Bylaw.
- 1.3 The levying and payment of any fine or the imprisonment for any period provided in the Bylaw shall not relieve a person from the necessity of paying any fees, charges or costs, from which he is liable under the provisions of this Bylaw.

12. Voluntary Payment Tickets

- 1.1 Where a Constable believes that a person has contravened any provision of the Bylaw, he may serve upon such person a voluntary payment ticket either personally, or by mailing or leaving the same at their last known address and such service shall be adequate for the purpose of this Bylaw.
- 1.2 A voluntary ticket shall be in such form as determined by the Constable and shall state the section of the Bylaw which was contravened and the amount which is provided in **Schedule "B"** that will be accepted by the Town in lieu of prosecution.
- 1.3 Upon production of a voluntary payment ticket issued pursuant to this Section within fourteen (14) days from the issue thereof, together with the payment to the Town of the fee as provided in **Schedule "B,"** the person to whom the ticket was issued shall not be liable for prosecution of the contravention in respect of which the ticket was issued.

13. Repeals

This Bylaw, upon receiving third and final reading, shall repeal Bylaw 1542-98.

Read a first time the 23rd day of April 2001.

Read a second time the 14th day of May 2001

Read a third and final time the 14th day of May 2001.

Mayor Norma Duncan Chief Administrative Officer, Dale Withage

Date of Signature(s): Tuesday, May 15, 2001