

TOWN OF OLDS

Bylaw No. 2023-01

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 of the *Municipal Government Act*, Revised Statutes of Alberta, 2000, Chapter M-26-1, as amended, and the regulations set forth in the *Cemeteries Act* Revised Statutes of Alberta, 2000, Chapter C-3 and the *Cemetery Act General Regulations* Alberta Regulation 249/1998 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. Bylaw Title: this Bylaw may be cited as the “**Cemetery Bylaw**”.

2. Definitions:

- 2.1 **Ages:** newborn infant means an infant under 28 days of age; a Child is any person from newborn infant to the age of 18 years of age inclusive; Adult is any person over 18 years of age.
- 2.2 **Base:** shall mean the bottom part of lower portion of a Monument.
- 2.3 **Block:** shall mean an area of more than one Plot.
- 2.4 **Burial Permit:** shall mean a Permit issued under the Vital Statistics Act.
- 2.5 **CAO:** shall mean the Chief Administrative Officer of the Town.
- 2.6 **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
- 2.7 **Columbarium:** shall mean a structure designed for storing the ashes of dead human bodies or other human remains that have been cremated.
- 2.8 **Peace Officer:** shall mean a member of the Royal Canadian Mounted Police or a Special Peace Officer or an enforcement officer as appointed by Alberta’s Solicitor General and the Town of Olds.
- 2.9 **Council:** shall mean the Council of the Town of Olds.
- 2.10 **Grave:** shall mean a portion of ground in a cemetery, used, or intended to be used, for the burial of human remains or cremated remains.
- 2.11 **Interment** shall mean the ceremonial service of burial of human bodies or cremated remains, the lowering of the human body or cremated remains into the grave or placement of cremated remains in the columbarium and the time required for the

bereaved to leave the grave site or columbarium until closing of the grave of columbarium can commence.

- 2.12 **Licensee:** shall mean a person or persons who purchase a Lot or Lots in the Cemetery.
- 2.13 **Liner or Vault Box:** shall mean a box placed in the ground to totally enclose a casket in a grave in the Cemetery. The container is designed and built to withstand the weight of the earth and standard Cemetery maintenance equipment and to prevent the grave from collapsing
- 2.14 **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.
- 2.15 **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.
- 2.16 **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.
- 2.17 **Niche:** shall mean a single compartment for placing a receptacle containing cremated remains
- 2.18 **Non-Resident:** shall mean a person who has not resided in the Town of Olds *or Mountain View County* for the majority of the previous ten consecutive years.
- 2.19 **Permit:** shall mean a prescribed form by the Town for application to carry out any work at the Cemetery.
- 2.20 **Pre-purchase** shall mean a payment made in the present towards a future burial Lot or Columbarium Niche.
- 2.21 **Plot:** shall mean an area large enough for (2) two or more Lots.
- 2.22 **Rates Bylaw:** shall mean a bylaw of the Town of Olds in the Province of Alberta respecting rates to be charged for municipal services provided by the Town of Olds.
- 2.23 **Reservation:** shall mean an arrangement whereby a particular burial Plot or Columbarium Niche is set aside in advance for later use. (not applicable in Field of Honor).
- 2.24 **Resident:** shall mean a person whose primary residence is in the Town of Olds *or Mountain View County* for the majority of the previous ten consecutive years.
- 2.25 **Scattering Garden:** shall mean an area within the Cemetery dedicated to the scattering of cremated remains

2.26 **Town:** shall mean the Town of Olds.

2.27 **Veteran:** shall be as defined in the *War Veterans Allowance Act (Canada)* and the regulations under that Act.

3. General Rules:

- 3.1 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 any time 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 more than (15) km per hour.
 - h. Camp, sleep, stay, pitch a tent or structure, or otherwise stay overnight.
- 3.2 The Town will provide adequate roadways to access all sections of the cemetery.
- 3.3 Vehicles in the Cemetery shall keep to the roads provided except Cemetery employees in the performance of their work.
- 3.4 Animals are allowed in the Cemetery; Owners must always have control of their animal(s) and are required to clean up after their animal.
- 3.5 All work in the immediate vicinity of a Lot shall be discontinued during a burial service.

4. Block, Plot and Lot:

- 4.1 The Town shall make all sales of Lots in the Cemetery including Columbarium Niches and shall receive all monies resulting from the sale of such Lots.
- 4.2 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.
- 4.3 The Town 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 every interment and disinterment and all other transactions necessary to keep a complete record of all business transacted in the Cemetery.
- 4.4 The fees for the purchase, opening or closing of Lots in the Cemetery shall be in accordance with the rates set out in **Schedule C in the Rates Bylaw.**

- 4.5 Cemetery Lots may be resold, but such sale must be registered with the Town. A Rights Transfer Fee is applicable in accordance with the rates set out in **Schedule C in the 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 2.27
- 4.6 The purchaser may cancel a purchase at any time for any reason. You may cancel without charge or penalty at any time during the period from the day you enter the contract until 30 days after you receive a copy of the contract.
- 4.7 If you cancel after 30 days, the purchaser will be charged a non-refundable administration fee as per **Schedule C in the Rates Bylaw**.
- 4.8 The Town has 15 days to refund any money a purchaser is owed.
- 4.9 No Lots shall be further subdivided or altered in any manner at variance with the Cemetery plans, unless authorized by the Town.
- 4.10 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 Disinterment:

- 5.1 No Lot shall be used for any other purpose than for the burial of the human dead.
- 5.2 No interments in an adult Lot shall contain more than:
 - a) three (3) cremains, or
 - b) one (1) full burial as the initial interment and three (3) cremains, or
 - c) one (1) adult and one (1) infant in one casket; or
 - d) two (2) infants buried in one (1) casket.
- 5.3 A grave lot shall be not less than 1.2 metres in width and 2.8 metres in length, except in those sections intended exclusively for the burial of bodies of children and of urns containing cremated remains.
- 5.4 Two urns are permitted in a Columbarium Niche.
- 5.5 Double depth Plot burials are not permitted.
- 5.6 No interments shall be permitted in the Cemetery until an approved Burial Permit has been filed with the Town.
- 5.7 The Town shall make available Lots in the Cemetery for unclaimed bodies of deceased person and for the bodies of indigent persons, in accordance with the *Cemeteries Act and Regulations*.

- 5.8 If the Lot owner is deceased and a conflict arises regarding the Lot, in the absence of a Court Order the people in the following order of priority will make the decision:
- i. The personal representative designated in the will of the deceased
 - ii. The spouse or adult interdependent partner of the deceased if the spouse or adult interdependent partner was living with the deceased at the time of death.
 - iii. An adult child of the deceased
 - iv. A parent of the deceased
 - v. A guardian of the deceased under the *Adult Guardianship and Trusteeship Act* or, if the deceased is a minor, under the *Child, Youth and Family Enhancement Act* or the *Family Law Act*
 - vi. An adult grandchild of the deceased
 - vii. An adult brother or sister of the deceased
 - viii. An adult niece or nephew of the deceased
 - ix. An adult next of kin of the deceased determined on the basis provided by sections 67 and 68 of the *Wills and Succession Act*.
 - x. The Public Trustee
 - xi. An adult person having some relationship with the deceased not based on blood ties or affinity
 - xii. The Minister of Human Services
- 5.9 The Town shall ensure that all burials are within the cemetery are conducted in a decent manner, and for that purpose the Town make rules for burials within the cemetery.
- 5.10 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.
- 5.11 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 weekdays or Statutory Holidays, such fees to provide same shall be based on the rate as stated in **Schedule C in the Rates Bylaw**.
- 5.12 Lots shall be opened and closed only by person employed by the Town and under director of governmental agencies authority and statutes. (EX the Fatality Inquiries Act).
- 5.13 Nothing in this Section or Bylaw restricts cremains being disinterred from the Columbarium, by application to the Town on the approved form.
- 5.14 All full burials must have concrete liners.

6. Care of Cemeteries, Removal of monuments, etc., Maintenance:

*See section 26 – 29 of the Cemeteries General Regulations.
The owner of a cemetery shall maintain the grounds of the cemetery, including all interment space, structures, and markers, so as to ensure the safety of the public and preserve the dignity of the cemetery.*

The owner of a cemetery shall ensure that (a) the cemetery and any required fences, walks and entrances to the cemetery are kept in a good state of repair, (b) no offence is committed in the operation of the cemetery, and (c) no public health nuisance arises from the operation of the cemetery.

- 6.1 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.
- 6.2 Grave decorations placed at the Cemetery shall conform to the following guidelines:
 - i. Flowers and similar decorations shall be placed in approved containers and affixed to the Monument
 - ii. Grave decorations must not include lawn ornaments, or any items made of glass or china placed on any part of the grave or adjacent to the Monument
 - iii. No person shall place, erect, or plant any object in any part of the Cemetery, except for temporary memorial funeral designs or floral pieces within seven (7) days of the burial
- 6.3 The Town 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.
- 6.4 At the discretion of the Town, items such as dead flowers and faded or old artificial flowers and other miscellaneous items left on or around a Monument, marker or other structure may be removed. (*miscellaneous items could mean but is not limited to toys, solar lights, etc.)
- 6.5 After seven (7) calendar days following a burial, the Town reserves the right to do any required maintenance.
- 6.6 The Town reserves the right to prevent the planting of any flowers, floral designs, trees, shrubs, plants, or herbage of any kind.
- 6.7 The Town reserves the right to prevent the removal of any flowers, floral designs, trees, shrubs, plants, or herbage of any kind.
- 6.8 The Town shall undertake to maintain as may be practicable, the planting of trees and shrubs to preserve and maintain landscape features.

7. Field of Honour Section Block 36:

- 7.1 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.
- 7.2 No interments in the Field of Honor shall contain more than:
 - a) two (2) cremains; or
 - b) one (1) full burial as the initial interment and one (1) cremain.

- 7.3 No interments shall take place in the Field of Honour Section, unless a Town of Olds Application for Burial – Field of Honor Section form has been fully completed and signed by the applicant and be approved by the Town.
- 7.4 Veterans and spouses may pre-purchase but not pre-select Lots. The Lot will be selected by the Town of Olds Cemetery Administrator at the time of interment.
- 7.5 If both spouses qualify as a Veterans, a reservation may be made after one spouse is interred.
- 7.6 Only pillow type head stones, consistent with those approved by Veterans Affairs Canada are permitted.
- 7.7 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 qualifying Veterans pursuant to Section 2.27.
- 7.8 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 2.27.
- 7.9 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.
- 7.10 The resale of Lots is prohibited except to the extent provided by Section 4.5.
- 7.11 No more than fifty percent of the normal adult Lot fee will be charged to Veterans, as per **Schedule C in the Rates Bylaw.**

8. Monuments and Lot Site Installations

- 8.1 All work at the Cemetery requires the authorization of the Town and a valid business licence for all persons/companies hired to complete the installations.
- 8.2 Any of the construction or planting mentioned in Section 6.3 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.
- 8.3 All Monuments will be of granite or bronze only.
- 8.4 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.
- 8.5 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").

- 8.6 All persons erecting Monuments shall ensure that the surrounding areas are left in the same condition as found.
- 8.7 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 CAO or his/her designate.
- 8.8 If concrete runners are provided, all Monuments shall be installed directly on the runner provided, with or without a Base Common infant Lots- only flat markers to a maximum size of 24"x24" (610mmx610mm)
- i. Block 32- flat markers only at ground level, not to exceed 30"x30" (762mmx762mm)
 - ii. Block 35-all Monuments to be directly installed on concrete runners provided, maximum 12" (300mm) in depth, including the Base
 - iii. All other Blocks, maximum of 48" (1200mm) in width and 16" (400mm) in depth, with or without a Base.
 - iv. The total combined height of a Monument and Base shall not exceed 48" (1200mm).
- 8.9 The Town shall consider all foundations for the erection of Monuments or markers. The foundation shall extend 6" (152mm) in all directions beyond the bottom Base at ground level but not to exceed Plot width.
- 8.10 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 Department and kept level with the surroundings.
- 8.11 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 C in the Rates Bylaw**. Such structure shall be erected according to the provision of this Bylaw and under the direction of the CAO or designate.
- 8.12 All Monuments must be checked and verified by the CAO or designate for compliance with this Bylaw prior to installation.
- 8.13 Employees of the Cemetery are not permitted to do any work for Lot owners except upon order of the CAO or designate.

9. Enforcement of Rules

- 9.1 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.
- 9.2 The Town may remove all installations at the Cemetery made without authorization by the Town.

- 9.3 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.
- 9.4 A Peace Officer 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.

10. Penalty

- 10.1 Where a Peace Officer believes that a person has contravened any provision of the Bylaw, he may serve upon such person a violation ticket 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.
- 10.2 A violation ticket shall be in such form as determined by the Peace Officer and shall state the section of the Bylaw which was contravened and the amount which is provided in **Appendix "1"** that will be accepted by the Town in lieu of prosecution.
- 10.3 Upon production of a violation 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 **Appendix "1"** 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.

11. Summary Conviction

- 11.1 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.
- 11.2 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.
- 11.3 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. Severability

- 12.1 Should any section or part of this bylaw be found to have been improperly enacted or ultra vires, for any reason, then such section or part shall be regarded as being severable from the bylaw remaining after such severance shall be effective and enforceable as if the section found to be improperly enacted had not been enacted as part of this bylaw.

13. Repeals

13.1 This Bylaw, upon receiving third and final reading, shall repeal Bylaw 2022-18 and all amendments thereto.

This bylaw shall have full force and effect on the date it is passed.

Read a first time this 9th day of January 2023.

Read a second time this 9th day of January 2023.

Received Unanimous Consent for presentation of third reading this 9th day of January 2023.

Read a third and final time this 9th day of January 2023.



Judy Dahl,
Mayor



Brent Williams,
Chief Administrative Officer

SIGNED by the Chief Elected Official and the Chief Administrative Officer this 11th day of January 2023.

Cemetery Bylaw 2023-01
Appendix 1
Penalty

First Offence (all sections)	\$100
Second and all subsequent offences	\$250