

TOWN OF SLAVE LAKE

CEMETERY

BYLAW #16-2017

A BYLAW OF THE TOWN OF SLAVE LAKE, PROVINCE OF ALBERTA TO RESCIND BYLAW #02-2003.

WHEREAS, The Municipal Council of the Town of Slave Lake under provisions of the Municipal Government Act, may pass a Bylaw respecting naming the cemeteries;

AND WHEREAS, The Municipal Council of the Town of Slave Lake, under provisions of the Municipal Government Act, may pass Bylaws respecting the maintenance, control, and operation of the cemeteries;

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

PART 1 – CEMETERY AREAS AND NAMING

- A. That the area described on Certificate of Title No. 89S224 as Portion of the Southwest 1/4 Section 30, Township 72, Range 5, west of the 5th Meridian be hereby named the Slave Lake Cemetery.
- B. That the area described on Certificate of Title No. 142 124 324 as Lot 1, Block 1, Plan 1422074 be hereby named the Lakeview Cemetery.

PART 2 – SHORT TITLE

- A. This Bylaw may be cited as the TOWN OF SLAVE LAKE CEMETERY BYLAW

PART 3 – INTERPRETATION

In this Bylaw, unless the context otherwise requires:

- A. Town shall mean the Town of Slave Lake.
- B. Council shall mean the Council of the Town of Slave Lake.
- C. Director of Operations shall mean the Director of Operations of the Town of Slave Lake.
- D. Superintendent of Operations shall mean the Superintendent of Operations of the Town of Slave Lake.
- E. Peace Officer shall mean a member of the Royal Canadian Mounted Police and/or a Special Constable, or a Community Peace Officer employed by the Town of Slave Lake.
- F. Burial Plot shall mean a single plot approximately 1.5 metres by 3.0 metres in size.
- G. Cremation Plot shall mean a single cremains plot approximately 0.6 metres by 0.6 metres in size.

- H. Interment shall mean the excavation of the plot to the required depth and size, the placing of, but not the provision of a grave liner if required, back filling of the plot and the removal of excess earth.
- I. Undertaker shall mean any registered or licensed embalmer or mortician or any other person authorized by Provincial Statute to inter deceased persons.
- J. Columbarium shall mean a solid enduring structure housing compartments called niches.
- K. Niche shall mean a compartment in a columbarium that can hold up to two urns or urn boxes depending on size, containing cremains. The niches are closed with a solid enduring cover.
- L. Full Burial shall mean the interment of a casket containing human remains.
- M. Cremains shall mean cremated human remains.
- N. Green Burial shall mean a burial of human remains with minimal environmental impact using non-toxic and biodegradable materials.
- O. Agent shall mean surviving spouse, adult interdependent partner, next of kin, legal representative of the human remains or cremains, or the owner of the plot or niche

PART 4 – ADMINISTRATION

- A. The Director of Operations or his/her designate shall be responsible for the selling of plots, the keeping and making of all records required by law or such records as may be ordered by Council, and for the collection of all fees and charges in connection therewith.
- B. The Superintendent of Operations or his/her delegate shall be responsible for the general supervision of maintenance and construction of the grounds and shall be responsible for interments and disinterments
- C. The General Administration of the cemeteries shall at all times be under the supervision of Council through administration of the Town of Slave Lake.

PART 5 – SALE OF PLOTS, SUPPLIES, and SERVICES

- A. The fees for the following shall be as set out in the Town of Slave Lake Rates By-law.
 - (i) Per Burial Plot
 - (ii) Per Veterans' Plot
 - (iii) Per Indigents' Plot
 - (iv) Full Burial Interment
 - (v) Cremains Interment
 - (vi) Per Niche
 - (vii) Opening and Closing of Niche
 - (viii) Grave liner
 - (ix) Muslim Liner
 - (x) Per Administration
- B. 25% of the proceeds from the sale of each Burial Plot shall be placed in the Perpetual Cemetery Maintenance Reserve for future cemetery development and maintenance.

- C. 25% of the proceeds from the sale of each Cremation Plot shall be placed in The Perpetual Cemetery Maintenance Reserve for future cemetery development and maintenance.
- D. The revenues from the sale of each niche shall be placed in the Perpetual Columbarium Maintenance and Development Reserve for future columbarium development and maintenance.
- E. Should there be any surplus operating funds at year-end; those funds shall be transferred to the Perpetual Cemetery Maintenance Reserve for future cemetery development and maintenance.

PART 6 – INTERMENTS

- A. An interment shall not take place until a completed and approved Cemetery Application and Maintenance Agreement Form, and a burial permit, or Funeral Director's Certificate of Death, or Certificate of Cremation are presented to the Town.
 - B. The stacking of caskets (two or more) shall not be allowed.
 - C. The cremains of up to four persons may be interred in a single Burial Plot, or the cremains of up to three persons may be interred in a single Burial Plot in which a full burial exists.
 - D. The cremains of up to two persons may be placed in a single Niche.
 - E. The cremains of only one person may be interred in a Cremation Plot.
 - F. Approved grave liners, if required, will be used for all burials, except for cremains and green burials.
 - G. The following liners are available from the Town of Slave Lake:
 - a. Grave Liner
 - b. Muslim Liner
- The associated fees are as established in the Town of Slave Lake Rates By-Law.
- H. Undertakers must provide the necessary lowering devices and make their own arrangements for the placing of mats, wreaths, flowers, etc, around the plot.
 - I. Undertakers must place a temporary marker showing the name of the deceased at the head of the plot at the time of interment.
 - J. No person other than the Superintendent of Operations or his/her delegate shall perform interments, open or close a niche in the cemeteries.
 - K. Whenever interments are to be made, a minimum of twenty-four (24) hours' notice must be given in order that the plot or niche may be properly prepared; a minimum of forty-eight (48) hours' notice must be given for the winter period. This notification may be waived when the human remains are infected with a communicable disease or if special circumstances so require.
 - L. Human remains infected with a communicable disease shall be interred in accordance with the Province of Alberta, Public Health Act, **BODIES OF DECEASED PERSONS REGULATION**

PART 7 – DISINTERMENTS

- A. No person other than the Superintendent of Operations or his/her delegate shall perform disinterments.
- B. Disinterments will only be made at such time specially arranged by the Superintendent of Operations.
- C. No disinterments or removal of human remains shall be allowed without a Court Order, or the written consent of the agent of the human remains to be disinterred or removed. The Town will not be responsible for any disinterments. Disinterments must be arranged and completed by an Undertaker under the supervision of the Superintendent of Operations.
- D. Disinterment of human remains shall not take place until an application for disinterment, in the prescribed form (as per the Alberta Cemetery Act and Regulations), together with the Certificate of Death, showing the cause of death, is given to the Director of Vital Statistics, who, in his/her discretion, if he/she considers it necessary or advisable, may issue under his/her signature a permit for disinterment on receipt of the prescribed Provincial fee.
- E. In case of disinterment, when it is necessary to use a new grave liner, the disinterment applicant shall provide the grave liner at no expense to the Town.
- F. Whenever the plot shall become vacant by the disinterment of the human remains therein, the plot shall revert to the Town. The Town, upon receiving proof of payment will refund the original purchase price, or without proof of payment, 50% of the current value.
- G. The fees of disinterment and re-interment shall be the same as for an interment plus an additional administrative fee, and shall be paid by the disinterment applicant.
- H. In case of a disinterment of human remains from the cemeteries for re-interment in another cemetery, the fees shall be the same as for an interment plus an additional administrative fee.

PART 8 – GENERAL TERMS

The Town reserves the right, at its cost, to correct any errors that may be made by its employees in making interments or disinterments, or in any description or transfer of any plot or niche, either by cancelling such transfer and substituting in lieu thereof another plot or niche in the sole discretion of the Town, by refunding all money paid for such services. In the event an error involves interred human remains, the Town shall have the right to remove the human remains to another plot or niche of equal value provided the approval of the Director of Vital Statistics and any other necessary authority is first obtained.

PART 9 – RESERVATION OF PLOTS AND NICHE

- A. Plots and Niches may be purchased and held in reserve by any person or estate by paying, in full, the tariff for such plot or niche as set out in Part 5(A) of this Bylaw.
- B. Upon payment in full of the tariff for each reserved plot or niche, the Director of Operations or his/her delegate shall issue, to the purchaser, a Burial Plot or Columbarium Deed for the reserved plot or niche.
- C. The owner of any reserved plot or niche cannot sell the plot or niche, except to the Town, in which case the offer must be in writing. The Town, upon receiving proof of payment will refund the original purchase price, or without proof of payment, 50% of the current value.
- D. Notwithstanding the above provision, members of the same family may transfer the reserved plot or niche to each other provided that the request is made in writing to the Town and is approved by the Director of Operations, along with an administration fee.
- E. The holder of a reserved plot or niche in the cemeteries may cancel the reservation in which the Town, upon receiving proof of payment will refund the original purchase price, or without proof of payment, 50% of the current value.
- F. The Town reserves the right to designate areas for reserve sale and assignment of plots and niches.

PART 10 – MONUMENTS, MEMORIALS AND MAINTENANCE

- A. No monuments, tombstones, grave markers, or structures of any kind whatsoever shall be installed, erected, or placed in the cemeteries whether it be mentioned herein or not, without first obtaining permission and a no fee permit for the erection of monument, tombstone, grave marker or structure from the Town. A sketch of the monument, tombstone, grave marker, or structure showing height, size of base, and inscription, must be presented to the Town prior to approval of the permit.
- B. Wooden crosses no greater than 1.0 metres in height shall be allowed provided prior permission is obtained from the Town, and a no fee permit for the erection of the wooden cross is completed and issued by the Town.
- C. Only one monument or wooden cross will be allowed on each burial plot. Grave markers level with the ground may be placed at each plot in addition to the monument. A monument memorializing human remains in adjacent burial plots may straddle the common plot boundary.
- D. A grave marker shall not measure less than 30cm in width, 45cm in length, and between 10cm and 20cm in height.
- E. The base of the monument must be at least 15cm wider than the widest portion of the monument and of sufficient depth to support the weight being imposed thereon. The base shall be level with the ground.
- F. The monuments and wooden crosses must be placed at the head of the plot and aligned with the adjacent monuments in the same row.

- G. Twelve (12) months must elapse between the date of interment and the placing of any permanent monument, tombstone, or wooden cross.
- H. Town approved monuments, tombstones, wooden crosses, or markers shall be placed or erected by the permit applicant, but the placing or erection thereof shall be at the direction of the Superintendent of Operations.
- I. Temporary markers placed by the undertaker at the time of interment must be removed once the monument, tombstone, or wooden cross is erected.
- J. Fences of any material, wood frame enclosures, rocks, or stones are not permitted.
- K. Existing fences, enclosures, rocks, or stones are to be maintained by the agent. The Town will not be responsible for the maintenance of such items. The Superintendent of Operations or his/her delegate will attempt to contact the agent to arrange for maintenance of the plot that is deemed unsightly or in disrepair. Any monument or structure not repaired within thirty (30) days after a notice in writing has been forwarded to the agent, at the last known address provided to the Town, may be removed from the plot. Fences, enclosures, rocks, or stones not maintained will be removed by the Superintendent of Operations or his/her delegate, and shall not be replaced.
- L. Planting of flowers on the plot or in planters, wooden or otherwise, will be permitted on a seasonal basis only and must be placed within the boundaries of the plot. Flowers and planters may be placed on the plot from May 1st and must be removed by September 30th.
- M. No iron or iron works, glass of any sort, earthen jars, metal or wooden boxes containing artificial wreaths or flowers or other memorial tributes shall be allowed in any section of the cemeteries and any so placed shall be entirely removed by the Superintendent of Operations or his/her delegate.
- N. Personal and non-permanent items, with the exception of any glass, illegal or objectionable items, will be permitted on a seasonal basis only. These items may be placed on the plot from May 1st to September 30th. These items shall be removed by September 30th.
- O. Complaints received regarding the unsightly condition of any plot, monument, or memorial tribute will be directed to the Director of Operations or his/her delegate. The Director of Operations or his/her delegate will attempt to contact the agent at the last known address provided to the Town, to arrange for maintenance of the plot. If the plot remains unsightly the Superintendent of Operations or his/her delegate shall have the authority to remove the items as per this bylaw.
- P. In erecting or placing memorial items upon any plot, the person or parties in charge of the work shall conform to the following:
 - (i) Convey, transport, place and keep all materials, implements and equipment, while in the cemeteries, as directed by the Superintendent of Operations.
 - (ii) Carry out such work under the general supervision of the Superintendent of Operations and in a manner as not to interfere in any way with abutting or adjacent plots.
 - (iii) Remove all masonry litter, rubbish and refuse, and leave the plot and surrounding area in a clean, tidy, and proper condition. In the event of failure,

- neglect or refusal to do so, the Town may cause same to be done and charge the cost thereto the person or parties responsible.
- (iv) All work of any kind near a funeral being held shall be discontinued from the time the human remains or cremains and mourners enter the cemetery area to the time the mourners exit the cemetery area.
- Q. No one shall, in the cemeteries themselves, solicit orders for monuments, monument work, curbing, or for the undertaking of any services in connection with the upkeep of plots.
- R. No monuments shall be erected from October 1st to April 30th. Monuments may be erected May 1st to September 30th. Monuments shall only be installed Monday to Friday between 8:30 AM and 4:30 PM.
- S. No shrubs, trees, or flowers shall be planted in any part of the cemeteries other than those planted by the Superintendent of Operations in the areas reserved for such plantings.
- T. If any existing trees or shrubs situate on any plot, shall by means of their roots, branches, or otherwise become detrimental to the adjacent plots and area, or dangerous, or inconvenient to the persons and maintenance personnel, the Town shall have the right to direct the removal of the trees, or shrubs, or such parts thereof as are detrimental, dangerous, or inconvenient.
- U. The Superintendent of Operations shall have the authority to have removed from any plot any weeds or grass, funeral design or floral pieces which have become wilted or any other marker, articles, or things which in his opinion are unsightly.
- V. Without restricting the generality of Part 10, no person shall erect upon a plot any curbs, fences, railings, walls, copings, trellises, hedges, trees, shrubs, or the like, and where any of the same have been previously erected on or around a plot, and have by reason of age or neglect become unsightly or objectionable, the Superintendent of Operations may cause the same to be removed, but in doing so, will leave the area in a safe, proper, and tidy condition.

PART 11 – GENERAL CONDITIONS AND RULES

- A. Any person who willfully destroy, mutilates, writes on, defaces, injures, or removes any monument, tombstone or grave marker, or any structure, vehicle, building, machinery, tool, equipment, or any material placed or left in the cemeteries, or any railing, fence, or other work, for the protection, maintenance, or ornamentation of the cemeteries, or plot, or willfully destroys, cuts, picks, breaks, or injures, any tree, shrub, or plant in the cemeteries, or plays any game or sport, or discharges or carries a firearm, except at a military funeral, or who willfully or unlawfully disturbs persons assembled for the purpose of interring human remains or cremains in the cemeteries, or who commits a nuisance, or at any time behaves in an indecent or unseemly manner in the cemeteries, shall be subject to the penalties of this bylaw.
- B. No person shall turn loose, ride, or allow at large, any cattle, swine, horses, dogs, cats, or any other animal in the cemeteries.

- C. No person shall be permitted to drive a carriage or conveyance within the cemeteries at a speed greater than 15 kilometres per hour, nor elsewhere than upon the roadways provided for vehicular traffic.
- D. No person shall be permitted to drive, ride, park, or operate any all-terrain vehicle, mini-bike, motorcycle, any off-highway vehicle, or snow vehicle within the cemeteries.
- E. The Town shall have the right to prohibit the entry of any person or persons who do not have related business at the cemeteries.
- F. The Town shall not be responsible for any damages, whether wilful or accidental to any marker, monument, or headstone, within the cemeteries.

PART 12 – ENFORCEMENT

PENALTIES

- A. Any person who contravenes any provisions of this Bylaw is guilty of an offence and liable upon summary conviction:
 - a. To a specified penalty for a first offence as set out in Schedule "A" attached hereto and forming part of this Bylaw;
 - b. To a specified penalty for a second offence of double the original penalty as set out in Schedule "A" attached hereto and forming part of this Bylaw if the second offence is committed within 12 months of the first offence.

VIOLATION TAG

- A. A Peace Officer is hereby authorized and empowered to issue a Violation Tag to any person whom the Peace Officer has reasonable and probable grounds to believe has contravened any provisions of this Bylaw.
- B. Where a Violation Tag is issued pursuant to this Bylaw, the person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay the Town of Slave Lake the penalty specified on the Violation Tag.

VIOLATION TICKET

- A. If the penalty specified on the Violation Tag is not paid within the prescribed time period then a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part II of the Provincial Offences Procedure Act, RSA, 2000, c.P-34.
- B. Notwithstanding section Violation Ticket (A) of this Bylaw, a Peace Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to Part II of the Provincial Offences Procedures Act, RSA. 2000, c. P-34, as amended to any person whom the Peace Officer has reasonable grounds to believe has contravened any provisions of this Bylaw.

PART 13 - LEGAL

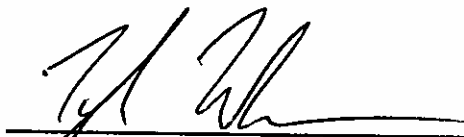
SEVERABILITY

- A. If at any time, any provision of this Bylaw is declared or held to be illegal, invalid, or ultra vires, in whole or in part, then the provision shall not apply and the remainder of this Bylaw shall continue in full force and effect and be construed as if it had been enacted without the illegal, invalid or ultra vires provision.

EFFECTIVE DATE


This By-Law shall come into full force and effect on the third and final reading.

READ A FIRST TIME THIS 11 DAY OF July, A.D. 2017.


MAYOR



CHIEF ADMINISTRATOR OFFICER

READ A SECOND TIME THIS 11 DAY OF July, A.D. 2017.


MAYOR


CHIEF ADMINISTRATOR OFFICER

READ A THIRD TIME THIS 11 DAY OF July, A.D. 2017.


MAYOR


CHIEF ADMINISTRATOR OFFICER

SCHEDULE "A"

Town of Slave Lake By-law #16-2017

The specified penalty for infractions of any section of this by-law shall be, in addition to all costs incurred, as follows:

First offence	\$500.00
Second offence	\$1000.00