



## CITY OF FORT SASKATCHEWAN

### A BYLAW OF THE CITY OF FORT SASKATCHEWAN IN THE PROVINCE OF ALBERTA TO REGULATE THE USE OF THE MUNICIPAL CEMETERY

#### BYLAW C10-17

The Council of the City of Fort Saskatchewan, duly assembled, enacts the Cemetery Bylaw.

#### 1. SHORT TITLE

1.1 This Bylaw shall be referred to as the Cemetery Bylaw.

#### 2. DEFINITIONS

For the purpose of this Bylaw:

- 2.1 “*Agent*” shall mean a person who has received, usually by appointment, the power to act on behalf of another. This may include a funeral director acting in such a capacity;
- 2.2 “*Caretaker*” shall mean the person placed in charge of maintenance of the cemetery as assigned by the Manager;
- 2.3 “*Cemetery*” shall mean land that is set apart or used as a place for the burial of dead human bodies or other human remains or in which dead human bodies or other human remains are buried;
- 2.4 “*Cemetery Plot Deed*” shall mean the document issued by the City to the purchaser once the interment rights have been paid in full, identifying ownership of the interment rights;
- 2.5 “*City*” shall mean the City of Fort Saskatchewan;
- 2.6 “*City Manager*” shall mean the City’s Chief Administrative Officer or designate;
- 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 “*Council*” shall mean the municipal Council of the City of Fort Saskatchewan;
- 2.9 “*Cremation Garden*” shall mean an area of the cemetery where cremated human remains may be scattered, as designated by the Manager;
- 2.10 “*Family*” shall mean a group of persons related to each other by blood, marriage or in an adult relationship of interdependence as defined in the *Adult Interdependent Relationships Act*;
- 2.11 “*Fees and Charges Bylaw*” shall mean the current Bylaw passed by the Council of the City of Fort Saskatchewan establishing fees, rates and charges for services provided by the City;

- 2.12 *“Infant”* shall mean a person under the age of one (1) year;
- 2.13 *“Inscription”* shall mean the engraved wording, including a message and/or photograph as a dedication to another;
- 2.14 *“Interment”* shall mean (with respect to the City’s responsibilities):
- a. the excavation of a grave to the required depth and size, the backfilling of the grave, and the removal of any excess earth;
  - b. the placement of cremated human remains in a niche; or
  - c. the scattering of cremated human remains in a designated cremation garden;
- 2.15 *“Interment Right”* shall mean the right to require or direct the interment of human remains or cremated human remains in a plot, niche, or cremation garden and direct the associated memorialization;
- 2.16 *“Interment Rights Holder”* shall mean any person designated to hold the right to inter human remains in a specified plot or their designated agent;
- 2.17 *“Manager”* shall mean the person designated by the City Manager to oversee the provisions of this Bylaw;
- 2.18 *“Marker”* shall mean any permanent memorial structure that is set flush and level with the ground within the designate space and used to mark the location of a burial or plot;
- 2.19 *“Monument”* shall mean any permanent memorial projecting above the ground installed within the designated space and used to mark the location of burial or plot;
- 2.20 *“Monument Foundation”* shall mean:
- a. a concrete runner provided by the City, in specific areas of the cemetery, for the purpose of placing a monument on it, or
  - b. a concrete foundation provided by a monument company for the purpose of placing a monument on it;
- 2.21 *“Monumentation Permit”* shall mean the permit outlining the rights and obligations with respect to monumentation of the Interment Rights Holder.
- 2.22 *“Municipal Tag”* means a tag or similar document issue by the City pursuant to the *Municipal Government Act* for the purpose of notifying a person that an offence has been committed for which a prosecution may follow;
- 2.23 *“Niche”* shall mean a compartment contained within the columbarium;
- 2.24 *“Perpetual Care”* shall mean the preservation, improvement, embellishment and maintenance in perpetuity and in a proper manner of grave stones, grave markers, monuments, lots, plots, compartments, crypts or other space in a cemetery, or of compartments in a columbarium or mausoleum;

- 2.25 “*Plot*” shall mean a grave for the placement of dead human bodies, the ashes of dead human bodies, or other human remains;
- 2.26 “*Plot - Full Interment*” shall mean a single grave plot being not less than 120 cm by 275 cm;
- 2.27 “*Plot – Cremation*” shall mean a single grave plot being not less than 120 cm by 120 cm;
- 2.28 “*Plot – Infant*” shall mean a single grave plot being not less than 120 cm by 120 cm;
- 2.29 “*Rubbish*” shall mean boxes, papers, weeds, flowers or plants, wreaths, receptacles, toys or memorabilia and any other material.
- 2.30 “*Vault*” shall mean a concrete or fibreglass outer burial container to enclose a casket or cremation urn.

### **3. APPLICATION**

- 3.1 The Manager shall be responsible for overseeing the cemetery operations in accordance with this Bylaw and the *Cemeteries Act*, and any regulations.

### **4. SALE OR TRANSFER OF INTERMENT RIGHTS**

- 4.1 Interment rights may be obtained from the City upon payment of the appropriate fee as set out in the Fees and Charges Bylaw.
- 4.2 No person shall make a reservation for one or more interment rights without making payment in full of the appropriate fee at the time of the reservation, as set out in the Fees and Charges Bylaw.
- 4.3 A Cemetery Plot Deed for any interment rights so sold shall be executed by the City’s Legislative Services Department and forwarded to the purchaser(s).
- 4.4 No interment right shall be used for any purpose other than as a burial site for dead human bodies, the ashes of dead human bodies, or other human remains that have been cremated.
- 4.5 Any person purchasing an interment right shall not resell or transfer the same except to the City, in which case the offer must be in writing. If the interment right has not been exercised, the City will repurchase the interment right at 85% of the current price as set out in the Fees and Charges Bylaw.
- 4.6 Notwithstanding the provisions of Subsection 4.5, a plot or niche may be transferred between members of the same family provided the request, consented to in writing by the Interment Rights Holder of the plot or niche or his agent to the City. A fee, as set out in the Fees and Charges Bylaw, shall be charged for registering such transfer.
- 4.7 No Interment Rights Holder of a plot or niche shall be entitled to receive remuneration for any interment in said plot or niche.

4.8 The Manager retains the authority for assigning an interment right.

## **5. INTERMENTS AND DISINTERMENTS**

- 5.1 Interments and disinterments shall be performed in accordance with this Bylaw, upon submission of the appropriate forms and payment of the appropriate fee as set out in the Fees and Charges Bylaw.
- 5.2 The Burial Permit, issued by the provincial government, shall be supplied to the Manager prior to any interment.
- 5.3 All applications for burials shall be made at least two (2) business days before the time for interment.
- 5.4 If any agent requests an interment by telephone, to alleviate any misunderstandings, the City requires all orders or interments to be confirmed in writing.
- 5.5 Every agent obtaining an interment right shall be held responsible for the cost thereof and for all charges in connection therewith, including disinterment or removal of remains or ashes where applicable. Any person signing an order for interment will be held responsible for all charges in connection with such interment. Such person shall, in addition, be held responsible for compliance with the regulations governing erection of monuments or placement of markers applicable to that part of the cemetery in which the interment is made. The fees for such are set out in the Fees and Charges Bylaw.
- 5.6 No request for interment or disinterment shall be made without the written proof of ownership of the plot or niche and submission of the appropriate forms.
- 5.7 With respect to non-cremated remains:
- a. no more than two (2) full interments will be allowed in one full interment plot;
  - b. a second interment in the same plot will not be allowed unless provision is made for the top of the second box to be not less than 90 cm below the ground with no grave liner or 60 cm below the ground with a substantial grave liner.
- 5.8 With respect to cremated remains:
- a. cremated remains may only be interred at approved location within the cemetery;
  - b. a maximum of two (2) cremation vaults may be interred in a full interment plot with the first interment centred in the upper half of the plot and the second interment centred in the lower half of the plot;
  - c. notwithstanding Section 5.8(a), a maximum of five (5) standard cremated remains without cremation vaults may be interred in a full interment plot;
  - d. a maximum of four (4) cremated remains without cremation vaults may be interred in one (1) cremation plot;
  - e. a maximum of one (1) cremated remains contained within a cremation vault may be interred in one (1) cremation plot. More than one (1) cremated remains contained within an cremation vault may be interred with approval of the Manager.
  - f. a maximum of two (2) cremated remains will be allowed in one (1) columbarium niche.

- 5.9 All burials shall be made within the confines of a single plot.
- 5.10 No plot for the burial of cremated remains shall be less than 46 cm in depth from the surface of the ground surrounding the plot except when the cremated remains are placed within a monument or columbarium structure, in a plot designed and approved for such interment purposes.
- 5.11 Scattering of ashes is only permitted in a designated scattering garden.
- 5.12 No person other than a City employee or designate shall open or close a plot or niche or make a disinterment in the cemetery.
- 5.13 For burial, non-cremated remains shall be placed in a concrete or fiberglass vault as approved by the Manager. The vault shall be able to withstand a 2,495 kilogram dynamic load.
- 5.14 The vault shall be at the cemetery at least two (2) hours before the time set for the interment.
- 5.15 Interments occurring later than 3:30 p.m. on Monday through Friday, or on Saturday or Sunday shall incur an overtime charge in accordance with the Fees and Charges Bylaw.
- 5.16 Interments occurring on statutory holidays shall incur an overtime charge in accordance with the Fees and Charges Bylaw.
- 5.17 It is a condition of every person who purchases interment rights in the cemetery, expressly waives any claim arising by reason of any error or mis-description of any interment right. The City undertakes that it will attempt, insofar as is reasonably possible, to avoid such errors. In case of error made on the City's behalf, the City's shall refund any/all money paid for an interment right. The City shall undertake to make an equivalent quality of plot or plots available in lieu of those originally allocated.
- 5.18 Disinterments or removal of the urn(s) from a niche will not be allowed unless permission is first obtained for that purpose from the Manager. If given, such permission shall be in writing and signed by the Manager. The person or agent will be responsible for all costs incurred in accordance with the Fees and Charges Bylaw.
- 5.19 Notwithstanding Clause 5.17, disinterment of a body shall not take place until a permit for disinterment, issued by the provincial government, is delivered to the City.
- 5.20 When a plot becomes vacant as a result of disinterment, the land may revert to the City at the Interment Rights Holder's option. In such case, upon application in writing, the City may at its sole discretion rebate an amount not to exceed 85% of the original purchase price of the plot.
- 5.21 When a niche becomes vacant, as a result of the removal of the urn, the niche may revert to the City at the Interment Rights Holder's option, providing no inscription has been placed on the said niche door. In such case, the City may at its sole discretion rebate an amount not to exceed 85% of the original purchase price of the niche.

- 5.22 The person officiating at an interment shall be responsible for the supply of lowering devices and the supply and placement of mats, wreaths, flowers, etc., around the plot.
- 5.23 The burial of destitute, indigent, or unclaimed persons shall be in such locations of the cemetery as indicated by the Manager.
- 5.24 The infant section of the cemetery shall be designated for the burial of deceased infants only.
- 5.25 Cremated remains shall not be scattered on any property located within City limits, owned by or under the control and/or management of the City.
- 5.26 Notwithstanding Clause 5.24, cremated remains may be scattered in designated areas of the cemetery upon approval of the Manager, and upon the purchase of Scattering Rights based on the fees set out in the Fees and Charges Bylaw.
- 5.27 Her Majesty the Queen, in the Right of Canada, shall have exclusive use of the Royal Canadian Mounted Police Reserve, designated within the cemetery.
- 5.28 Royal Canadian Legion plots, reserved for burials made under the auspices of the Department of Veterans Affairs, are designated as Legion plots.
- 5.29 Not more than one memorial service shall be conducted at any one time.

## **6. MONUMENTS AND MARKERS**

- 6.1 No monuments, markers, or structures shall be installed, erected, or placed in the cemetery without first obtaining a Monumentation Permit from the Manager. Monumentation Permit approval shall take a minimum of two (2) business days.
- 6.2 A permit including a sketch of the proposed monument or marker outlining the height, size of base, foundation, and inscription must be presented to the Manager for approval. The permit fee in accordance with the Fees and Charges Bylaw, shall include approval of permit, marking of the plot, and follow-up inspection.
- 6.3 Permission shall first be obtained from the Manager when a monument or marker is to be removed for purposes of inscription, repair, or cleaning. Such permission shall be made in writing by the Interment Rights Holder of the plot, and shall include a description and timelines for the proposed work.
- 6.4 No person shall erect upon any plot, monument, marker, or structure until full payment is made to the City.
- 6.5 No concrete, stone, or other type of slab covering the whole or any portion of a plot that projects above the surface of the surrounding ground shall be permitted, except where one presently exists.
  - 6.5.1 In which case, a replacement cover may be installed provided it is the same size, shape, and design to the one being replaced. New slab coverings must be constructed flush with the surrounding ground and be capable of supporting

grounds maintenance equipment. The City is not responsible for damage to slab covers.

- 6.6 Only one (1) monument will be allowed on each plot. Markers may be placed at each plot in addition to a monument.
- 6.7 No inscription shall be placed on any monument or marker, which in the opinion of the Manager, is not in keeping with the dignity and decorum of the cemetery.
- 6.8 A maximum of two (2) inscriptions will be allowed on each niche door of the columbarium, at the sole expense of the agent.
  - a. Before any inscription is made on the said niche door, permission must be first obtained from the Manager. Such permission shall be requested in writing by the Interment Rights Holder, or the Interment Rights Holder's agent, of the niche.
  - b. A Monumentation Permit, including a sketch of the proposed inscription, must be approved by the Manager. The Monumentation Permit fee includes approval of the permit, removal and replacement of the niche door, and a follow-up inspection. The Monumentation Permit fee shall be paid in full in accordance with the Fees and Charges Bylaw, prior to the approval of the Monumentation Permit.
- 6.9 Inscriptions on niche doors of the columbarium shall be performed exclusively by a contractor determined by the City.
- 6.10 Monuments and/or markers shall be allowed only in specified areas of the cemetery, as designated by the Manager.
- 6.11 The foundation for monuments must:
  - a. be at least 15 cm wider than the widest portion of the monument;
  - b. not exceed 45 cm in depth and be able to support the weight being imposed thereon;
  - c. In no case shall be of lesser than 15 cm of reinforced concrete on top of 15 cm of crushed gravel; and
  - d. be placed at ground level.
- 6.12 A monument must not exceed 91 cm in width (including the foundation) on a single full interment plot or 214 cm in width (including the foundation) on a double full interment plot.
- 6.13 A monument must not exceed 91 cm in width (including the foundation) on a cremation plot.
- 6.14 A monument must not exceed 120 cm in height.
- 6.15 Markers shall not exceed 46 cm by 46 cm (including any border) and must be installed flush to the surrounding ground. They must be constructed in such a way as to not interfere with or be damaged by the ground maintenance equipment.
- 6.16 Every Interment Rights Holder of a monument or marker placed upon any plot shall maintain it in proper repair.

- 6.17 When, in the opinion of the Manager, any monument or marker placed upon a plot is in a state of disrepair, is in danger of becoming damaged, or poses a threat to the safety of visitors, the Manager shall notify the Interment Rights Holder in writing advising of the repairs to be undertaken. The City reserves the right to remove any articles deemed by the City to pose a safety hazard without providing reimbursement to the Interment Rights Holder should damage occur during removal.
- 6.18 While the City shall take all reasonable precautions to protect the property of plot Interment Rights Holders, it assumes no liability nor responsibility for loss of or damage to any monument, marker or part thereof, or any article of any type that may be placed on a plot.

## **7. MAINTENANCE OF PLOTS AND MONUMENTS**

- 7.1 The Manager shall have sole control of all cemetery maintenance and safety of visitors, and is authorized to regulate and control the cemetery grounds in accordance with this Bylaw and any other relevant legislation.
- 7.2 Perpetual Care does not include the supplying and planting of flowerbeds.
- 7.3 No person shall change the grade of any plot. The City is authorized to restore a plot to its original grade at the expense of the Interment Rights Holder if this occurs.
- 7.4 No person shall make any walkway, cut any sod, or move any corner posts or grave markers in the cemetery.
- 7.5 No person shall place any object, structure of pottery, glass or cellophane, ironworks, metal, or wood on any plot. The Manager is authorized to remove such unauthorized articles and dispose of them.
- 7.6 No person shall place on any turf area flowers, wreaths, structures, or any article that restricts or hampers regular maintenance activities. The Manager is authorized to remove such unauthorized articles and dispose of them.
- 7.7 No person shall place on any columbarium flowers, wreaths or any structure or memorial tribute. The Manager is authorized to remove such unauthorized articles and dispose of them.
- 7.8 No trees, shrubs, or flowers may be planted in any part of the cemetery other than those planted by the City in the areas reserved for such planting. The Manager is authorized to remove any unauthorized trees, shrubs or flowers that have been planted.
- 7.9 The Manager has the authority to have removed from any plot any weeds or grass, funeral designs, or floral pieces that have become wilted, or any other unsightly articles.
- 7.10 Without restricting the generality of this part, no person shall erect upon any plot any curbs, fences, railings, walls, stone copings, trellises, hedges, trees, or shrubs. Where any of the same have previously been erected on or around a plot and have become unsightly or objectionable by reason of age or neglect, the Manager is authorized to



replace or remove them order to ensure that the area conforms to the general good appearance of the cemetery and ensure the area is left in a safe condition.

- 7.11 If any trees or shrubs, situated in any plot, by means of their roots, branches or other parts becomes detrimental to the adjacent plots or avenues or is dangerous or inconvenient to users, the Manager shall have the right to direct the removal of the trees or shrubs or such parts thereof as are detrimental, dangerous or inconvenient. The cost to maintain or remove any such trees or shrubs situated on any plot may be charged against the person who erected them.
- 7.12 Any structure, monument, plantings, wreaths, fences, etc., that are placed contrary to this Bylaw will be removed by the City and the person placing such will be responsible to reimburse the City the full costs of such removal. In addition, such person is subject to the fines in accordance to this Bylaw.
- 7.13 When any structure on a plot, other than a monument or marker, is in a state of disrepair, the Manager shall notify the Interment Rights Holder in writing advising of the repairs to be undertaken. Following notification, any structure not repaired within thirty (30) days, or by a time agreed to by the Manager, may be removed from the plot. The structure shall be retained by the Manager for up to one year to allow the person responsible for its maintenance to return it to a suitable condition. If after one year the structure has not been claimed, the Manager may dispose of the item, without prior notice to the Interment Rights Holder. Any costs associated with said disposal will be charged to the Interment Rights Holder of the plot.

## **8. CEMETERY**

- 8.1 No person shall throw rubbish anywhere within the cemetery, except in the receptacles provided for that purpose. Any material which results in an untidy appearance or impedes maintenance activities to any part of the cemetery may be removed under the Manager's direction.
- 8.2 Any person who willfully destroys, mutilates, writes on, defaces or removes any monument, marker, structure, vehicle, building, machinery, tool, equipment, material, railing, fence, burial plot, tree, shrub, or plant in the cemetery, or plays any game or sport, or discharges or carries a firearm except firearms at a military funeral, or who willfully or unlawfully disturbs persons assembled for the purpose of burying a body in the cemetery, or who commits a nuisance, or at any time behaves in an indecent or unseemly manner in the cemetery, shall be subject to the penalties of this Bylaw.
- 8.3 No person shall drive a vehicle in the cemetery, except at a moderate rate and then only upon the roadway provided for that purpose.
- 8.4 Notwithstanding Section 8.3, no motorized sled, all-terrain vehicle, or horse shall be allowed in the cemetery, except when it is part of a funeral procession as approved by the Manager.
- 8.5 The owner of any moving vehicle shall be responsible for any damage done by such vehicle within the boundaries of the cemetery.

- 8.6 No person except the Manager or designate shall tamper with, disturb or remove any flowers, plants, trees, shrubs, monument, fence or other structure located within the boundaries of the cemetery.
- 8.7 No person shall disturb the quiet and good order of the cemetery by noise or other improper conduct.
- 8.8 The Manager shall have the right to prohibit the entry of any person who does not have related business at the cemetery.

## **9. ENFORCEMENT/PENALTIES**

- 9.1 Any person who contravenes any provision of this Bylaw is guilty of an offence by:
  - a. doing something that is prohibited by this Bylaw;
  - b. failing to do something that is required by this Bylaw; or
  - c. doing something in a manner different from that which is required by this Bylaw
- 9.2 Where a contravention of this Bylaw is of a continuing nature, every day during which the contravention continues, shall be deemed to be a separate offence.
- 9.3 A violation ticket shall be served upon the person named therein in accordance with the provisions of the *Provincial Offences Procedure Act*.
- 9.4 Where a Peace Officer has reasonable grounds to believe that a person has violated any provision of this Bylaw, that Peace Officer may serve that person with a municipal tag.
- 9.5 Notwithstanding Section 9.4, where a Peace Officer has reasonable grounds to believe that a person has violated any provision of this Bylaw, that Peace Officer may serve that person with a municipal tag by personal service or by registered mail.
- 9.6 A person who has been issued a municipal tag pursuant to this Bylaw and has paid the penalty to the City by the date specified on that municipal tag, shall not be liable for prosecution of the subject contravention.
- 9.7 Nothing in this Bylaw shall prevent a Peace Officer from issuing a violation ticket for the mandatory court appearance of any person who contravenes any provision of this Bylaw.
- 9.8 A person who is convicted of an offence pursuant to this Bylaw is liable on summary conviction for a fine as outlined in the *Provincial Offences Procedure Act*, not exceeding ten thousand (\$10,000) dollars plus court costs, and in default of the payment of a fine imposed, a period of imprisonment not exceeding six (6) months.

## **10. INTERPRETATION**

- 10.1 Wherever the provisions of this Bylaw are, or are deemed to be at variance with another Bylaw or legislation, the more restrictive of the two provisions shall apply.

- 10.2 All references in this Bylaw shall be read with such changes in number and gender as may be appropriate according to whether the references are to a male, female, or gender-neutral person, to a corporation, or to a partnership.
- 10.3 Any reference in this Bylaw to any federal or provincial statute shall mean that statute, as amended or replaced from time to time and any amendments thereto, and shall include any regulations enacted pursuant to that statute.
- 10.4 Nothing in this Bylaw relieves any person from compliance with any other Bylaw or applicable municipal, provincial, or federal legislation.

**11. SEVERABILITY**

- 11.1 Each provision of this Bylaw is independent of all other provisions. If any provision of this Bylaw is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.

**12. EFFECTIVE DATE**

- 12.1 Bylaw shall come into force upon third and final reading.

**13. REPEAL**

- 13.1 Upon third reading of Cemetery Bylaw C10-17, Cemetery Bylaw C20-02 and any amendments thereto, are hereby repealed.

READ a first time this	day of	2017.
READ a second time this	day of	2017.
READ a third time and passed this	day of	2017.

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Mayor

\_\_\_\_\_  
Director, Legislative Services

\_\_\_\_\_  
Date Signed