



CITY OF FORT SASKATCHEWAN

CEMETERY BYLAW

BYLAW NO. C20-02

NOW THEREFORE the Council of the City of Fort Saskatchewan in the Province of Alberta, in open meeting of Council, enacts as follows:

PART 1 - CITATION

1. This bylaw is cited as the Cemetery Bylaw.

PART 2 - DEFINITIONS

2.1 In this bylaw,

- a) "caretaker" means the person placed in charge of maintenance of the cemetery;
- b) "cemetery" means 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 (Section 1(b) Cemeteries Act).
- c) "city" means the City of Fort Saskatchewan.
- d) "columbarium" means a structure designed for storing the ashes of dead human bodies or other human remains that have been cremated (Section 1(e) Cemeteries Act).
- e) "council" means the Council of the City of Fort Saskatchewan.
- f) "family" means a group of persons related to each other by blood or marriage;
- g) "Fees and Charges Bylaw" means the current bylaw passed by the Council of the City of Fort Saskatchewan establishing fees, rates and charges for services provided by the City;
- h) "infant" means a person(s) under the age of one (1) year;
- i) "inscription" means the engraved wording, including a message and/or photograph, as a dedication to another;
- j) "interment" means the excavation of a grave to the required depth and size, the placing (but not the provision) of a concrete box, the backfilling of the grave and the removal of any excess earth;
- k) "Manager" means the Manager of Planning and Public Works of the City of Fort Saskatchewan and shall include, unless the context otherwise requires, any person authorized by the Manager to carry out his duties;
- l) "marker" means a headstone, used for the purpose of identifying an interment, that is flush with the ground;
- m) "monument" means a headstone, used for the purpose of identifying an interment, that is above ground level and is placed on a monument foundation

- n) "monument foundation" means
 - (i) a concrete runner provided by the City, in specific areas of the cemetery, for the purpose of placing a monument on it, or
 - (ii) a foundation provided by a monument company for the purpose of placing a monument on it;
- o) "niche" means a compartment contained within the columbarium;
- p) "perpetual care" means the preservation, improvement, embellishment and maintenance in perpetuity and in a proper manner of lots, plots, columbariums, or other space in the cemetery.
- q) "plot" means a grave for the placement of dead human bodies or other human remains or the ashes of dead human bodies or other human remains that have been cremated;
- r) "plot - full interment" means a single grave plot being not less than 120 cm by 275 cm;
- s) "plot - cremation" means a single grave plot being not less than 120 cm by 120 cm;
- t) "plot - infant" means a single grave plot being not less than 120 cm by 120 cm;
- u) "rubbish" means boxes, papers, weeds, flowers or plants, wreaths, receptacles and any other material the presence of which results in an untidy appearance or impedes maintenance activities to any part of the cemetery.

PART 3 - ADMINISTRATION

- 3.1 The Manager shall be responsible for the selling of plots and niches, and the making and keeping of all records required by law of all plots, niches, burials and disinterments in the cemetery.

PART 4 - SALE OR TRANSFER OF PLOTS

- 4.1 Plots and/or niches 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 plot(s) and/or niche(s) without making payment of the appropriate fee, as set out in the Fees and Charges Bylaw, in full at the time of the reservation.
- 4.3 A Cemetery Plot Deed for any plot(s) so sold shall be signed by the Director of Legislative Services and delivered to the purchaser(s) under the corporate seal of the City.
- 4.4 No plot shall be used for any purpose other than as a burial site for dead human bodies or other human remains or the ashes of dead human bodies or other human remains that have been cremated.
- 4.5 No niche shall be used for any purpose other than storing of ashes of dead human bodies or other human remains that have been cremated.
- 4.6 Any person purchasing a plot or niche shall not resell or transfer the same except to the City, in which case the offer must be in writing. Upon the City agreeing to repurchase the plot or niche, the City shall refund the original purchase price, less a transfer fee as set out in the Fees and Charges Bylaw.

- 4.7 Notwithstanding the provisions of Subsection 4.6, a plot or niche may be transferred between members of the same family provided the request, consented to in writing by the owner of the plot or niche, is made in writing to the City. A fee, as set out in the Fees and Charges Bylaw, shall be charged for registering such transfer.
- 4.8 No owner of a plot or niche shall be entitled to receive remuneration for any interment in said plot or niche.
- 4.9 The Manager retains the authority for assigning a plot or niche.
- 4.10 Perpetual care includes only turf maintenance, noxious weed control and rubbish pick-up.
- 4.11 Perpetual care does not include the supplying and planting of flowerbeds.

PART 5 - INTERMENTS AND DISINTERMENTS

- 5.1 Interments and disinterments shall be performed in accordance with this bylaw upon payment of the appropriate fee as set out in the Fees and Charges Bylaw.
- 5.2 The Burial Permit issued by the proper officer of the Government of the Province of Alberta shall be supplied to the Manager prior to interment.
- 5.3 All applications for burials shall be made at least 48 hours before the time for interment (Sundays and holidays excepted).
- 5.4 When any agent orders an interment by telephone, the City accepts no responsibility for any error or misunderstanding that may arise therefrom.
- 5.5 Every agent obtaining a plot or niche 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 interment shall be made without the written proof of ownership of the plot or niche.
- 5.7 With respect to non-cremated remains:
 - (a) no more than two 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 91 cm below the ground.
- 5.8 With respect to cremated remains:
 - (a) a maximum of two cremated remains contained within a cremation vault may be interred in a full interment plot with the first interment centered in the upper half of the plot and the second interment centered in the lower half of the plot;
 - (b) notwithstanding Section 5.8(a), a maximum of five standard cremated remains may be interred in a full interment plot with the first interment in the upper left hand quarter of the plot with successive interments in a clockwise direction and the fifth interment in the middle of the plot;
 - (c) No more than two cremated remains will be allowed in one niche.
- 5.9 All burials are to be made within the confines of a single plot. There must be a minimum of 30 cm of earth between remains buried in adjoining plots.

- 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.
- 5.11 No person(s) other than a City employee(s) or person(s) designated by the Manager shall open or close a plot or niche or make a disinterment in the cemetery.
- 5.12 For burial, non-cremated remains shall be placed in a concrete or fiberglass grave outer box as approved by the Manager and shall be able to withstand a 2,495 kilogram dynamic load.
- 5.13 The outer box shall be at the cemetery at least two hours before the time set for the interment.
- 5.14 Funerals arriving later than 3:30 p.m., Monday through Friday, shall incur an overtime charge in accordance with the Fees and Charges Bylaw.
- 5.15 Funerals occurring on statutory holidays shall incur an overtime charge in accordance with the Fees and Charges Bylaw.
- 5.16 It is a condition of every person that purchases a plot(s) or niche(s) in the cemetery, that the person expressly waives any claim arising by reason of any error or misdescription of any burial plot. The City undertakes that it will attempt, insofar as is reasonably possible, to avoid such errors but its liability shall only extend to refund, in case of error, of any money paid to the City for a plot or plots and it undertakes to make an equivalent quality of plot or plots available in lieu of those originally allocated.
- 5.17 Disinterments, or removal of the urn(s) from a niche, will not be allowed unless permission is first obtained for that purpose at the office of the Manager and, if given, such permission shall be in writing and signed by the Manager. The agent will be responsible for all costs incurred in accordance with the Fees and Charges Bylaw.
- 5.18 Notwithstanding Clause 5.17, disinterment of a body shall not take place until a permit for disinterment is issued by the Provincial Director of Vital Statistics and delivered to the City Office.
- 5.19 When a plot becomes vacant as a result of disinterment, the land may revert to the City at the owner's option and the City will in such case, rebate the original purchase price of the plot or where the owner thereof becomes a purchaser of another plot in the cemetery, the original price for the plot shall be allowed in part payment, less the transfer fee as set out in the Fees and Charges Bylaw.
- 5.20 When a niche becomes vacant as a result of the removal of the urn(s), the niche may revert to the City at the owner's option, providing no inscription has been placed on the said niche door and the City will in such case, rebate the original purchase price of the niche or where the owner thereof becomes a purchaser of another plot in the cemetery, the original price for the niche shall be allowed in part payment, less the transfer fee as set out in the Fees and Charges Bylaw.
- 5.21 The Funeral Director or other person officiating at the interment, shall be responsible for the supply of lowering devices and the supply and placement of mats, wreaths, flowers, etc. around the plot.
- 5.22 The burial of destitute or indigent persons and unclaimed bodies shall be in such portion of the cemetery as indicated by the Manager.
- 5.23 The infant section of the cemetery shall be designated for the burial of deceased infants only.
- 5.24 Cremated remains shall not be scattered on any property owned by or under the control and management of the City and located within City limits.

- 5.25 Her Majesty the Queen in the Right of Canada shall have exclusive use of the Royal Canadian Mounted Police Reserve, but does not include the Royal Canadian Legion plots.
- 5.26 Royal Canadian Legion plots reserved for burials made under the auspices of the Department of Veterans Affairs are designated as Legion plots.
- 5.27 The Manager may permit memorial services of a sacred character within the cemetery, but not more than one shall be conducted at any one time. Written permission must be obtained from the Manager prior to any such public memorial services within the cemetery.

PART 6 - MONUMENTS AND MARKERS

- 6.1 No monuments, markers or structure shall be installed, erected or placed in the cemetery without first obtaining a permit from the Manager.
- 6.2 A permit containing 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, which shall include approval of permit, marking of the plot and follow-up inspection shall be in accordance with the Fees and Charges Bylaw.
- 6.3 When a monument or marker is to be removed for purposes of inscription, repair or cleaning, permission shall first be obtained from the Manager. Application for such permission shall be made in writing by the owner of the plot, including a description of the proposed work.
- 6.4 No person shall erect upon any plot any monument or marker while charges in connection therewith are due and owing to the City.
- 6.5 No concrete, stone or other type of slab covering the whole or any portion of a plot shall be permitted except where one presently exists; in which case, a replacement cover may be installed provided it is similar in size, shape and design to the one being replaced.
- 6.6 No person shall erect upon or around a plot any fence, railing, wall, stone coping, hedge or the like. Where any fence, railing, wall, stone coping, hedge or the like has been previously erected upon or around a plot and has, by reason of age or neglect become unsightly or objectionable, the Manager may cause such to be removed and will leave the area in a safe and proper condition. The cost of removal and restoration may be charged against the person who erected it.
- 6.7 Only one monument will be allowed on each plot. Markers may be placed at each plot in addition to a monument.
- 6.8 A maximum of two inscriptions will be allowed on each niche door of the Columbarium, at the sole expense of the Agent. Before any inscription is made on the said niche door, permission must be first obtained from the Manager. Application for such permission shall be made in writing by the owner of the niche, providing a description of the work proposed.
- 6.9 Inscriptions on niche doors of the Columbarium shall be performed exclusively by the City's contractor.
- 6.10 Twelve full months must elapse between the date of interment and the placing of any permanent monument except where a monument foundation exists or unless otherwise approved by the Manager.
- 6.11 Monuments and markers shall be allowed in all areas of the cemetery.
- 6.12 Notwithstanding Clause 6.11, only markers shall be allowed in the area set aside for markers.

- 6.13 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.
- 6.14 The foundation for monuments must:
- (a) be at least 15 cm wider than the widest portion of the monument,
 - (b) be of sufficient depth to support the weight being imposed thereon, but in no case shall be of lesser than 15 cm of reinforced concrete on top of 15 cm of crushed gravel, and
 - (c) be placed at ground level.
- 6.15 A monument must not exceed 91 cm in width on a single plot or 214 cm in width on a double plot.
- 6.16 Markers that identify a subsequent burial within a plot shall not exceed 30 cm by 30 cm.
- 6.17 Every owner of a monument or marker placed upon any plot shall maintain it in proper repair.
- 6.18 When, in the opinion of the Manager, any monument or marker placed upon a plot is in a state of disrepair, he shall notify the owner in writing thereof and require that repairs be promptly undertaken. Any monument or marker not repaired within 30 days after a letter has been addressed to the owner or his agent, to the last address provided to the City, said monument or marker may be removed from the plot and retained in the custody of the caretaker for up to one year to allow the person responsible for its maintenance to return it to a suitable condition. If at the end of one year, no person has claimed the monument or marker, the Manager shall dispose of said monument or marker.
- 6.19 While the City will take all reasonable precautions to protect the property of plot owners, 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.
- 6.20 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 as set out in the penalty section of this bylaw.

PART 7 - MAINTENANCE OF PLOTS AND CEMETERY

- 7.1 The Manager shall have sole control of all matters within the cemetery that are concerned with maintaining the grounds in a neat and pleasing condition, and to that end is hereby authorized to regulate and control the cemetery grounds in accordance with this bylaw.
- 7.2 No person shall throw rubbish upon the roads, walks or anywhere within the cemetery except in the receptacles provided for that purpose by the City.
- 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 owner.
- 7.4 No person shall make any walk, cut any sod, or move corner posts or grave markers in the cemetery.
- 7.5 No person shall place on any plot a chair, a wooden or wired trellis, a wooden or wired cross or articles or containers of pottery, glass or cellophane, ironworks, metal or wooden boxes containing artificial wreaths or flowers or other memorial tributes. The caretaker 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.
- 7.7 No person shall place on any columbarium flowers, wreaths, vases or any structure or memorial tribute. The caretaker is authorized to remove such unauthorized articles and dispose of them.
- 7.8 No shrubs, trees, 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.
- 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 articles or things, which in his opinion are unsightly.
- 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 may cause the same to be replaced or removed in 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 When, in the opinion of the Manager, any structure, other than a monument or marker, upon a plot is in a state of disrepair, he shall notify the owner in writing thereof and require that repairs be promptly undertaken. Any structure not repaired within 30 days after a letter has been mailed to the owner or his agent, to the last address provided to the City, may be removed from the plot and retained in the custody of the caretaker 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.

PART 8 - CEMETERY

- 8.1 If any trees or shrubs situated in any plot shall by means of its roots, branches or otherwise becomes detrimental to the adjacent plots or avenues or dangerous or inconvenient to strangers, the Manager shall have the right to direct the removal of the said 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.
- 8.2 Any person who willfully destroys, mutilates, writes on, defaces, injures or removes any monument or marker, or any structure, vehicle, building, machinery, tool, equipment, or any material placed or left in the cemetery, or any railing, fence, or other work, for the protection, maintenance or ornamentation of the cemetery, or burial plot, or willfully destroys, cuts, picks, breaks or injures any 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 domestic animal shall be allowed in the cemetery.
- 8.4 No person shall drive a vehicle in the cemetery except at a moderate rate and then only upon the roadway provided for that purpose. No turning or backing up is permitted on any roadway within the boundaries of the cemetery.
- 8.5 Notwithstanding Section 8.4, no motorized sled, all-terrain vehicle, or horse shall be allowed in the cemetery except when it is part of a funeral procession.
- 8.6 The owner of any moving vehicle shall be responsible for any damage done by such vehicle within the boundaries of the cemetery.
- 8.7 No person may picnic within the boundaries of the cemetery.

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

PART 9 - ENFORCEMENT/PENALTIES



- 9.1 Any person who violates any provision of this bylaw shall be liable on summary conviction before a Police Magistrate in the City of Fort Saskatchewan, or any Justice of the Peace having jurisdiction therein, to a penalty not exceeding Five Thousand Dollars (\$5,000.00) exclusive of costs, for breach thereof, or in case of non-payment of the fine and cost, imprisonment in the nearest common jail for any period not exceeding sixty (60) days.
- 9.2 Each section of this bylaw shall be read and construed as being separate and severable from each other section. Furthermore, should any section or part of this bylaw be found to have been improperly enacted for any reason, then such section or part shall be regarded as being severable from the rest of the bylaw and the bylaw remaining after such severance shall be effective and enforceable.
- 9.3 Wherever the singular, plural, masculine, feminine or neuter is used throughout this bylaw the same shall be construed as meaning the singular, plural, masculine, feminine, neuter, body politic or body corporate where the fact or context so requires and the provisions hereof.

PART 10 - ENACTMENT

- 10.1 Bylaw C20-02 shall come into force and have effect after the third and final reading.
- 10.2 Bylaw No. C10-00, and all amendments thereto, is hereby repealed.

READ a first time in Council this 23rd day of July A.D. 2002
 READ a second time in Council this 23rd day of July A.D. 2002.
 READ a third time in Council this 23rd day of July A.D. 2002.

CITY OF FORT SASKATCHEWAN			
APPROVED	DATE	INTL.	
Dif. Leg. Svcs.	Legal Form	JULY 23/02	RD
Dep't.	Content	JULY 23/02	PRM
City Mgr.	Principal	7/23/02	JM


 Mayor

 Director, Legislative Services

Date Signed: July 24, 2002