

CITY OF BEAUMONT
Bylaw Number 962-19

CEMETERY BYLAW

A BYLAW OF THE CITY OF BEAUMONT, IN THE PROVINCE OF ALBERTA, TO ESTABLISH THE PROVISIONS OF THE IMPROVEMENT, MAINTENANCE, MANAGEMENT, AND OPERATION OF CEMETERIES IN THE CITY OF BEAUMONT.

WHEREAS, pursuant to Section 7 of the *Municipal Government Act*, R.S.A. 2000, Chapter M-26, Statutes of Alberta and amendments thereto, allows that a Municipality may pass a bylaw for municipal purposes;

AND WHEREAS, the *Cemeteries Act*, R.S.A. 2000, Chapter C- 3, as amended, grants a municipality the authority to establish a Cemetery Bylaw;

AND WHEREAS, in accordance with the Act, City of Beaumont Council desires to establish a Bylaw governing the operation of the Clearwater Cemetery;

NOW THEREFORE, pursuant to the provisions of the *Municipal Government Act*, the Council of the City of Beaumont, duly assembled, enacts as follows:

I. TITLE

This bylaw may be cited as the "Cemetery Bylaw."

II. DEFINITIONS

For the purpose of this Bylaw, the following terms shall have the meanings indicated:

"Act" refers to the Cemeteries Act, R.S.A. 2000 as amended from time to time, any regulations enacted thereafter.

"Ashes Plot" means a plot designated for cremated remains of a dead human body.

"City" refers to the municipal corporation of the City of Beaumont and its employees.

"Grave Plot" means a piece of ground in which the application to inter and purchase is granted by the City of Beaumont.

"Cemetery" refers to the Clearwater Cemetery.

"Columbarium" means an above ground structure containing compartments/niches for the inurnment of cremated remains.

"Designate" refers to a Bylaw Enforcement Officer, Peace Officer or a member of the Royal Canadian Mounted Police or any person designated by the Director of Community Services, to act on behalf of the City of Beaumont.

"Disinterment" refers to the removal of human remains or cremated human remains from a grave site, columbarium or mausoleum.

"Indigent Person" refers to an unclaimed body, or body of a destitute or indigent person as set out in this Act.

"Interment" refers to the burial or placement of human remains or cremated human remains in a grave site, columbarium or mausoleum.

"Inurnment" refers to the placement of ashes into an urn after cremation, followed by a placement in a niche or other resting place.

"Monument" means any structure made of commercial grade granite, marble, field stone or bronze that is level with or above the ground and erected or constructed on any lot, for memorial reasons.

"Urn" refers to a container used for storing cremated remains.

"Vital Statistics Act" is a document that provides for the legal registration of all Alberta births, stillbirths, deaths, marriages, adoptions and change of name.

III. LAND DESCRIPTION

1. The following land is hereby established and set apart for the sole purpose of a Public Cemetery to be known as:
 - a. Clearwater Cemetery

This plot of land is located approximately 0.5 km south on 50 Street (50279 - Highway 814) from Nisku Road on the east side of the highway. Legal Description: *N.W. ¼ Sec. 14-50-24-W4M*, land owned by the City of Beaumont.

IV. BURIAL ALTERNATES

For the purpose of this Bylaw, (") refers to inches and (') refers to feet.

The Cemetery contains designated areas for Grave Plots, Ash Plots, and Columbarium Niches.

The size of plots and burial type shall be established as follows:

1. Full Grave Plot for Adult: A single grave plot, as determined by location in the cemetery. Dimensions are 4' x 8.5' with a depth of 6'.
2. Double Depth Plot: A full grave plot, in which the City will permit the burial of two (2) adult bodies in separate caskets placed one above the other; or one

adult and two children, no older than 18 years of age. Dimensions are 4' x 8.5' with a depth of 9'.

3. Grave plot for Child: Dimensions are 4' x 8.5' with a depth of 6'.
4. Ash Plot for Adult/Child: Fits one (1) or two (2) urns. Dimensions are 2'5" x 4'5".
5. Columbarium Small Niche: Fits one (1) or two (2) urns, with a diameter no greater than 5.5" and a height no greater than 11". Dimensions are 12" x 12" x 12".
6. Columbarium Large Niche: Fits two (2) urns, as limited by the diameter of the urns, and a height no greater than 11". Dimensions are 12" x 12" x 16".
7. Ashes may be inurned above interred grave plots; no more than three (3) ash plots may be added above one grave plot.

V. MONUMENTS

For the purpose of this Bylaw: Base – means a concrete slab of specific proportion for the placement of a monument. Monument - refers to a slab made of granite, marble or bronze, engraved as a marker to memorialize the interred, and placed at the head of a Grave Plot, on top of an Ash Plot, or as the door of a Columbarium Niche.

1. The erection of monuments will only be permitted where a license for a monument installation has been granted. No headstone or any monument may be installed in the Cemetery without the permission of the City. Wood, plastic or glass monuments are not allowed.
2. Only one (1) flower vase is allowed on each plot, to be placed in a space provided at the head of each plot; vases may not be made of glass or pottery. No other forms of vases or planting will be allowed on the plot.
3. Grave Plot monuments are to be no more than four feet high, including the base.
 - a. Single Grave Monument: 4'x6" maximum size, including the base.
 - b. Double Grave Monument: 7'x8" maximum size, including the base.
Double monuments may straddle two full grave plots.
4. Ash Plot monuments must be horizontal plaques made of bronze, granite or marble, placed on a surface height concrete base.
 - a. Ash Plot Monument: 24"x14" maximum size, including the base.
5. Where Ash Plots are added above interred Grave Plots, additional monuments will not be allowed. Only one (1) monument will be allowed on each grave plot.

6. Columbarium Niche doors are to be engraved by the approved monument provider. Niche doors may have a maximum of six (6) lines of text and two (2) emblems.

VI. ADMINISTRATION

1. The operation of the Clearwater Cemetery will be in accordance with all policies, rules and regulations, and procedures established by the Council and in accordance with the *Cemeteries Act*.
2. The Designate shall be responsible for the selling of plots in the said cemetery, the keeping and making of the records required by law or such other records as may be ordered by City Council and for the collecting of all fees and charges in connection therewith.
3. All matters related to the Cemetery, including but not necessarily limited to, maintenance and enforcement of this Bylaw are under the sole control of the Designate, in conjunction with Parks, Enforcement, and Community Services.
4. Error Correction: The City of Beaumont reserves and shall have the right to correct any errors that may be made either in making an Interment, or Disinterment or in the description or sale or transfer of any Interment property. The correction can be obtained by cancelling or substituting another property of equal value and similar location as far as possible, or by refunding the amount paid on account of that property. If the error involves the Interment of the remains of any person the City of Beaumont reserves, and shall have the right to remove and reinter the remains into a property of equal value and similar location, with the consent of the Licensee, subject to all applicable legislation and regulations.
5. Disclaimer: The statement of any employee of the City of Beaumont shall not be binding except if such statement coincides with the document conveying the right of Interment, Bylaws, the rules and regulations reflecting the Bylaws.

VII. LIABILITY

1. Markers and Monuments: While the City of Beaumont will take reasonable precautions to protect the property of owners, the City of Beaumont, and its representatives, will not assume any liability nor responsibility for the loss of or damage to any Monument or Marker or part thereof; or any article of any type that may be placed on the lot. The City of Beaumont and its representatives accept no responsibility for the maintenance of Monuments due to normal wear or deterioration. Minor scraping of the base of an upright Monument due to lawn mowing and snow removal is considered normal wear.

2. Injury: Persons entering the Cemetery do so at their own risk. The City of Beaumont shall not be responsible for any injury resulting to any person who enters the cemetery.
3. Flowers and Decorations: The City of Beaumont assumes no liability for flowers or decorations placed on Burial sites.
4. Vandalism: The City of Beaumont does not accept responsibility for damage incurred through vandalism or other acts outside its control.

VIII. RESERVATION OF PLOTS & NICHES

1. Plots and/or niches may be purchased and held in reserve by any person or estate by paying in full, the fee for such as established in the *Fees and Charges* (which are updated annual by City Council through the Budget process).
2. Reserved plots and/or niches shall not be sold or transferred by any person or estate, they can only be sold back to the City for the price originally purchased.
3. A maximum of two (2) reserved burial plots, four (4) ash plots, or four (4) columbarium niches per family is permitted.
4. The location of a reserved plot is determined by the Designate or his/her representative at the time of need. Generally, when one member of a family is interred, the adjoining plot could then be reserved for a remaining family member.
5. The owner of a reserved plot and/or niche may cancel the reserved plot, by notifying the City in writing. The City will reimburse to the owner the full amount at the time of purchase, less the established administration fee in accordance with the Fees and Charges.

IX. NOTICE OF BURIAL

1. All authorizations for burial must be obtained from the City, prior to the funeral taking place in the form of a Death Certificate and the Burial/Cremation Permit.
2. Notice of the interment must be submitted to the City at least 48 hours excluding Saturday, Sunday and Statutory Holidays before any interment may take place.
3. Opening and Closing of all alternates are subject to fees for such as established in the *Fees and Charges* (which are updated annually by City Council through the Budget process).
4. Unless otherwise directed by a court of law, only City employees are authorized to excavate and close any graveside.

X. POWERS AND AUTHORITY OF THE DESIGNATE

1. The Designate is responsible for the operation of and maintaining order in the cemetery. This includes the general supervision, charge and control of the management and operation of the Public Cemeteries, and of all books, plans, records and related documents.
2. The Designate shall keep a permanent record of all sales, location description, and the names(s) of any person(s) buried in any plot or niche, together with the date of any such purchase and burial, and all information as required on the Cemetery Contract as per the Cemetery Procedure Manual.
3. The Designate shall have charge of the said cemetery and of all works of whatsoever nature carried out therein, and shall be charged with the duty of seeing that the said cemetery is kept in good order.
4. Only the persons under the request of the Designate shall open any grave for a burial of, and the removal of, a dead body or the ashes of a dead body.

XI. INTERMENT OF INDIGENT BODIES & DISINTERMENT

Interment of destitute, indigent and unclaimed bodies

1. Once the City is satisfied of the status, the City shall make available a plot for the burial of destitute, indigent, and unclaimed bodies.
2. Costs related to such burial is borne by the Provincial Minister of Human Services; the cost of a plot is 50% of the amount that would ordinarily be charged.

Disinterment

3. In accordance with the Cemeteries Act, disinterment of a body shall not take place until a Disinterment Permit has been issued in accordance with Section 42 of the *Vital Statistics Act*.
4. Disinterment will only be allowed when written approval has been granted by the Designate.
5. The City's responsibility for lot openings will end at the point where the soil is sufficiently excavated to permit access to the body for removal by the attending funeral home for any disinterment. All payment for costs incurred by the City will be the responsibility of the person requesting the disinterment.

XII. OPERATION AND MAINTENANCE

The intent of this section is to establish a guideline of functions that are to be carried out to keep cemeteries in the City to a desired visual appearance. Because the weather has such a strong impact on the frequency of some maintenance functions, the height or appearance has been specified rather than the frequency. The duration of the

maintenance season varies according to the seasonal conditions, but is generally during the growing season of April to September.

1. Planting—No trees, plants, shrubs, flowers or any other thing intended for growth shall be planted, seeded, grown or maintained on any lot in the Cemetery unless permission for the same is first obtained from the Designate, and the Designate may remove or prevent the placing of any stand, holder, vase, or other receptacle for flowers or plants which they deem to be unsuitable for such purpose or unsightly in appearance.
2. No fence, railing coping or any enclosure structure of any kind other than a monument or plaque, which is in accordance with the provisions of this Bylaw, shall be erected or installed on any lot within the Cemetery.
3. The Designate shall remove from the Cemetery or from any plot therein any tablet, monument, plaque, cross, fence, railing, coping, other enclosure, structure, thing, any tree, shrub, plant, growing thing, or any inanimate object, which is within the Cemetery or in, upon or around any plot, that may have been placed without proper authority or permission as prescribed or required by any of the provisions of this Bylaw, without notice to any interested person.
4. The City is responsible for trimming the edges along the graves and ash plot monuments during the summer. The Cemetery grounds shall be kept free from litter and debris by the City from time to time during the year.
5. Watering of grounds is not required by the City.
6. Snow removal from the parking lot and around the grave plot or ash plot shall be done by the City during the winter season should a burial be booked.

XIII. MISCELLANEOUS PROVISIONS

1. Visitors
 - a. Visitors will be allowed access to the Cemetery at all reasonable times, but must observe all rules which may be adopted for the regulation of visitors.
 - b. No person other than an employee of the City shall enter or remain in the Cemetery between sunset of one day and sunrise of the following day.
 - c. Visitors are reminded that the Cemetery is sacredly devoted to the interment of the dead, and that a strict observance of the decorum which should characterize such a place will be required at all times.
 - d. No person shall disturb the quiet and good order of the Cemetery by noise or other improper conduct.

- e. The use of snowmobiles and other terrain recreation vehicles shall not be permitted in the Cemetery at any time.
 - f. The City shall not be responsible for articles placed on plots in the Cemetery.
 - g. All complaints are to be directed to the City Designate.
 - h. In accordance to Bylaw number 680-06, persons carrying firearms are prohibited from entering the Cemetery except in the case of a military funeral, and then only after prior written approval from the R.C.M.P. will entry into the Cemetery be allowed.
2. Vandalism
- a. No person shall destroy, damage, deface or write upon any monument, or other structure or object in any part of the Cemetery.
 - b. Any damages to monuments placed in the Cemetery are the responsibility of the Owner and/or agents to rectify.
 - c. The City will not be responsible for loss, damage, defacement or destruction of a lot, private property or any article or thing placed or left in the Cemetery.
3. Advertising
- a. No person shall canvas for orders or distribute business cards in the Cemetery.
 - b. No person shall place upon any monument that is erected in the Cemetery the name of the monument dealer or the manufacturer of the name of the quarry or any type of insignia or trademark.
 - c. No person shall plant any tree, shrub or herbaceous perennial inside or outside any plot. All permanent planting of trees or shrubs within the Cemetery grounds shall be the sole right and duty of the Designate.
 - d. No person shall tamper with or remove any flowers, plants, trees or shrubs, or monuments located within the Cemetery nor touch any monument nor any fence or other structure belonging to the Cemetery.
4. Decorum
- a. No person may picnic, party or gather unless for funerals and related services in the Cemetery grounds.
 - b. No person shall disturb the quiet and good order of a cemetery by noise or other conduct.

- c. No person shall throw rubbish within the cemetery ground except in the receptacles provided by the City.
- d. No person shall commit a nuisance in the Clearwater Cemetery.

XIV. PENALTY FOR OFFENSES

- 1. Any person who contravenes any provision of this Bylaw, is guilty of an offence and is liable to a penalty in the amount of:
- 2. Five Hundred Dollars (\$500.00) for the first offence; and
- 3. In cases of an offense that is of a continuing nature or, a second or subsequent offense, Seven Hundred Dollars (\$700.00).
- 4. Any person who contravenes any provision of this Bylaw and is guilty of an offense, is liable to the City of Beaumont for any costs that are a result of the violation.

XV. FORCE AND EFFECT

- 1. Clearwater Cemetery shall be operated under the terms and conditions of this Bylaw or under rules and regulations as approved by resolutions of the Council from time to time.
- 2. If any portion of this bylaw is declared invalid by court of competent jurisdiction, then the invalid portion must be severed and the remainder of the bylaw is deemed valid.
- 3. This Bylaw shall come into force and effect upon receiving third reading and being signed.

READ A FIRST TIME IN COUNCIL THIS 26TH DAY OF NOVEMBER, 2019.

READ A SECOND TIME IN COUNCIL THIS 26TH DAY OF NOVEMBER, 2019.

UNANIMOUS CONSENT FOR THIRD READING THIS 26TH DAY OF NOVEMBER, 2019.

READ A THIRD TIME AND FINALLY PASSED IN COUNCIL THIS 26TH DAY OF NOVEMBER, 2019.



Mayor



City Clerk

Attachment

