

BYLAW NO. 646-AD-19
CEMETERY MANAGEMENT BYLAW

A BYLAW OF THE CITY OF COLD LAKE IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR THE MANAGEMENT, REGULATION, OPERATION AND MAINTENANCE OF THE CITY OF COLD LAKE CEMETERIES.

PURSUANT to the *Cemeteries Act of Alberta 2000, C-3* and the *Cemeteries Act, General Regulation, Alberta Regulation 249/1998*;

WHEREAS Council deems it necessary and in the public interest to provide for the management, regulation, operation, and maintenance of the City of Cold Lake cemeteries;

NOW THEREFORE pursuant to the authority of the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26, as amended, the Council of the City of Cold Lake duly assembled, enacts:

SECTION 1 – TITLE

1.1 This Bylaw may be cited for all purposes as “City of Cold Lake Cemetery Management Bylaw”.

SECTION 2 – DEFINITIONS

In this Bylaw terms defined in the “*Cemeteries Act of Alberta 2000, C-3* and the *Cemeteries Act, General Regulation, Alberta Regulation 249/1998*” shall have that meaning unless expressly defined otherwise herein, and

- 2.1 “**adult**” means an individual over the age of eighteen (18) years of age;
- 2.2 “**applicant**” means an individual who has made petition to the City for a right of interment, an interment or a memorial permit and may also mean an individual who is an interment rights holder, the legal representative of a deceased or the heir or successor of a deceased, or a funeral service provider, funeral director or memorial supplier acting as the individual’s agent;
- 2.3 “**at-need**” means at the time of death or after a death has occurred;
- 2.4 “**burial**” means the in-ground burial of human remains or cremated remains in a grave;
- 2.5 “**burial permit**” means a legal document issued under the *Vital Statistics Act of Alberta* acknowledging the registration of a death;
- 2.6 “**Bylaw**” means the City of Cold Lake Cemetery Management Bylaw No. 646-AD-19 as may be amended, revised, consolidated or repealed and replaced from time to time;
- 2.7 “**CAO**” means the Chief Administrative Officer of the City of Cold Lake, or their designate;
- 2.8 “**casket**” (or “**container**”) means a container used to enclose human remains for interment but does not include a grave liner, burial vault or an urn;
- 2.9 “**cemetery**” or “**City cemetery**” means land owned by the City that is set apart to be used, now or at a future date as a place of interment of human remains or cremated remains and includes any incidental or ancillary buildings on the land, including but not limited to the ‘*Lakeview Cemetery*’ and the ‘*Grand Centre Memorial Park*’;
- 2.10 “**cemetery legislation**” means the ‘*Cemeteries Act of Alberta 2000, C.3*’ and includes all regulations made thereunder as amended or repealed and replaced from time to time;
- 2.11 “**cemetery services**” means the supply of any service rendered at a City cemetery in respect of any lot or plot, grave stone, grave marker or monument or other form of memorial;
- 2.12 “**cemetery supplies**” means grave liners, grave stones, grave markers or monuments, other forms of memorial or bases for use in a city cemetery;
- 2.13 “**child**” means an individual between the age of one (1) year and seventeen (17) years of age;
- 2.14 “**City**” means The City of Cold Lake and together or separately may also mean and include, the Mayor and Council of the City, a department of the City, a person or persons employed by the City, or a person or an agent authorized by the City to perform work related to the development, management, operation, provision of service, care and maintenance of a City cemetery;
- 2.15 “**columbarium**” means a structure or building or an area in a structure or building that contains niches for the interment of cremated remains;
- 2.16 “**comingled**” means the intentional or unintentional mixing of the cremated remains of more than one individual;
- 2.17 “**Council**” means the elected Mayor and Council of the City of Cold Lake;
- 2.18 “**cremated remains**” means the human bone fragments remaining after cremation and also includes residue of other materials cremated with the human remains;
- 2.19 “**disinterment**” means the removal of human remains or cremated remains from a plot in which the remains are interred for the purpose of an alternative disposition or relocation;
- 2.20 “**exhumation**” means the exposure of interred human remains for the purposes of viewing or examination are re-interred into the same plot after the viewing or examination has been completed;
- 2.21 “**family member**” means a spouse, a child (natural, adopted or step), a parent or stepparent, a sibling

- (natural, adopted or step), a grandparent or step grandparent, or a grandchild (natural, adopted or step);
- 2.22 **“fees”** means the fees prescribed for cemetery goods and services which form a part of this Bylaw and which, from time-to-time, may be amended, or repealed and replaced;
- 2.23 **“funeral director” or “funeral service provider”** means an individual licensed to;
- 2.23.1 arrange, conduct or direct funeral services, bereavement rites and ceremonies;
- 2.23.2 care for or prepare human remains prior to disposition;
- 2.23.3 transfer human remains or direct or supervise the transfer of human remains;
- 2.24 **“grave liner”** means a receptacle with a lid, constructed of a durable material, that may or may not have a bottom, into which a casket holding human remains or an urn holding cremated remains is placed to provide reinforcement of a plot as part of an interment;
- 2.25 **“green burial”** means a natural form of interment that satisfies criteria set out in *Cold Lake Policy No. 206-AD-19, Cemetery Management Policy*;
- 2.26 **“holiday”** means any day or part of a day as may be proclaimed from time to time as a holiday to be observed by the City;
- 2.27 **“human remains”** means a dead human body in any stage of decomposition, or the body of a stillborn infant in any stage of decomposition, but does not include cremated remains;
- 2.28 **“infant”** means an individual less than one (1) year of age and includes a stillborn infant;
- 2.29 **“interment”** means disposition of human remains or cremated remains by burial or inurnment;
- 2.30 **“interment right”** means a right of use for the interment of human remains or cremated remains in a plot at a City cemetery granted in perpetuity and acquired through purchase, inheritance or permitted transfer and issued in accordance and compliance with cemetery legislation and the *‘Cemetery Management Bylaw*,
- 2.31 **“interment rights certificate”** means a document, set out in a form prescribed by the City, that describes a right of interment and the terms and conditions that govern the right of interment in a City cemetery plot;
- 2.32 **“interment authorization”** means a document, set out in a form prescribed by the City, that is completed and signed at-need by the person having the legal authority to authorize the interment of human remains or cremated remains of a deceased person;
- 2.33 **“inurnment”** means the placement of cremated remains in a niche or buried in a plot;
- 2.34 **“legal representative”** means an individual who, or an agency that, by order of priority set out in *Section 11 of the Alberta Cemeteries Act General Regulation* has the right to control the disposition of the human remains or cremated remains of a deceased person;
- 2.35 **“Medical Health Officer”** means a person appointed from time to time under the *‘Public Health Act’* to act as medical officer of health in the province of Alberta;
- 2.36 **“memorial”** means a product used or intended to be used to identify a plot or to memorialize a deceased individual, as set out in *Cold Lake Policy No. 206-AD-19, Cemetery Management Policy*.
- 2.37 **“niche”** means one kind of a plot, a space, usually within a columbarium, used or intended to be used for the interment of cremated remains;
- 2.38 **“perpetual care”** means the long-term preservation, care and maintenance, in perpetuity and in a proper manner, of a City cemetery.
- 2.39 **“plot”** (includes but is not limited to a **“grave”** or **“niche”**) means a designated space in a City cemetery to be used or intended to be used for;
- 2.39.1 the interment of human remains or cremated remains under a right of interment;
- 2.39.2 the installation of a memorial to memorialize a deceased individual or stillborn child;
- 2.40 **“Public Health Act”** means the *‘Public Health Act, Revised Statutes of Alberta, Chapter 2000 C. P-37’*;
- 2.41 **“rights holder”** means a person who:
- 2.41.1 has purchased a right of interment to be held in their name for a plot in a City cemetery;
- 2.41.2 has a right of interment, registered in their name, for a plot in a City cemetery but is not the original purchaser;
- 2.41.3 is the legal representative of a deceased person who has a right of interment held in their name for a plot in a City cemetery;
- 2.41.4 has, in compliance with this Bylaw, had a right of interment for a plot in a City cemetery transferred to them, to be held in their name;
- 2.41.5 is a legal heir or successor of a deceased interment rights holder and by demonstration of a right of legal succession, to the satisfaction of the City, may be entitled to inherit control of a deceased person’s right of interment for a plot in a City cemetery;
- 2.41.6 **“scatter”** means the irreversible dispersal of cremated remains in a defined area or feature within a

City cemetery where such dispersal may result in the comingling of cremated remains previously scattered in the scattering location;

2.41.7 “urn” means a container used for the containment of cremated remains;

SECTION 3 - PURPOSE & APPLICATION OF BYLAW

3.1 The following described real properties are set aside, held, laid out, developed, improved, used and maintained, as City cemeteries and dedicated for that use, and shall continue to be for that purpose and shall not be used for any other purpose;

3.1.1 Lakeview Cemetery:

Legally described as Lot B, Plan 429 NY, and at;
Civic Address, 2205 – 1 Avenue NW, Cold Lake;

3.1.2 Grand Centre Memorial Park:

Legally described as Lot A, Plan 9120678, and at;
Civic Address, 4608 – 38 Avenue, Cold Lake;

3.2 City cemeteries are acquired, established and laid out to provide suitable space for the interment of human remains and cremated remains or for the scattering of cremated remains and for the purpose of making approved cemetery services available to all persons, irrespective of race, faith, orientation or any other form of categorization, and are established more specifically;

3.3 The City shall have the full and complete control and management over the land, buildings, plantings, roads, utilities, books and records of the City cemeteries including but not limited to the right to manage, maintain or alter the interment areas, memorials, roads and pathways, buildings, utility infrastructure, change or remove plantings, grade, alter in shape or size, or otherwise develop or change all or any part of a City cemetery as they deem necessary or appropriate and subject only to compliance with any applicable requirement of cemetery legislation.

SECTION 4 - GENERAL PROVISIONS & REGULATIONS

4.1 The days and hours of operation of the City cemeteries shall, for the following purposes, be;

4.1.1 **Cemetery Visiting:** Cemeteries are open every day of the year for visiting between 8:00 a.m. and sunset. No individual, without the express written permission of the City, shall be in a City cemetery between one (1) hour after sunset and 8:00 a.m. the following morning;

4.1.2 **Interment Services:** upon satisfying terms and conditions established further in this Bylaw, may occur on any day of the year at a time approved by the City and arranged with a licensed funeral service provider;

4.1.3 **Cemetery Arrangements:** cemetery arrangements and the payment of Cemetery fees shall be made at the Cold Lake City Hall, 5513 – 48 Avenue, Monday through Friday at regular office hours. City Hall is closed on Saturday, Sunday and holidays observed by the City.

4.2 Floral tributes may be placed at a City cemetery in accordance with the following rules:

4.2.1 on the day of an interment and for a period of seven (7) days following, fresh cut flowers, wreaths, artificial and seasonal floral tributes are permitted on the plot or at the base of the columbarium. After seven (7) days, these flowers may be removed and disposed of by the City, without prior notice;

4.2.2 at all other times, a limit of one (1) flower vase of fresh cut flowers, wreaths, artificial and seasonal floral tributes, and potted plants are permitted providing they are placed on a plot monument, on the monument’s base or the cement runner. The placement of any form of floral tribute shall not be permitted at the base of any columbarium;

4.2.3 all forms of floral tributes, including potted plants, are placed with the understanding that, without prior notice, they may be removed and disposed of by the City should they become unsightly, detract from the general aesthetic of adjacent plots or pose a safety risk to cemetery visitors or workers;

4.3 Placing any form of decoration, adornment, personal memento, or other extraneous object, unless in compliance with this Bylaw, is not permitted on any plot in a City cemetery. Unauthorized items placed on any plot or in any City cemetery may, without prior notice, be removed or ordered removed by the City. This includes, but is not limited to, photographs, pictures, frames, solar lights, boxes, shells, toys, wire screens, decorative rock, trellises, benches, or any other form of memorabilia.

4.4 Small non-decomposing and non-perishable personal objects or mementos that easily fit within a niche when closed, may be permitted to be placed within a columbarium niche and shall not be a hazard, harm or destroy the structure.

4.5 No open flame, candle, or burning of any substance or other material may take place inside a City cemetery without prior authorization given by the CAO and conducted under the direct supervision of the City.

4.6 The City is not liable for the deterioration, damage or loss of flowers, decorations, adornments or any other article attached to or placed on a plot or at a memorial site.

- 4.7 No plot or other part of a City cemetery may be decorated or adorned in any manner by any person other than the City, or an authorized agent of the City.
- 4.8 No tree, shrub, plant, bulb, flower or other decorative plant feature may be planted, pruned, cut down, removed or otherwise altered on a plot or anywhere else within the limits of a City cemetery. Where any such work is necessary it shall be performed only by the City, or an authorized agent of the City.
- 4.9 Cemetery roadways are for the exclusive use of interment processions, cemetery patrons, or other individuals as may be approved by the City. Every operator of a vehicle shall, at all times, obey the directions and orders of the City and no vehicle shall exceed fifteen (15) kilometers per hour.
- 4.10 No person shall drive or park a vehicle over any lawn, garden or flower bed without the express permission of and subject to the supervision of the City subject to the exception that the City shall, at all times, have the right of passage in any manner it sees fit over every plot and all the land of every City cemetery so as to ensure that cemetery operations and maintenance can be performed in a safe, efficient and timely manner.
- 4.11 In a City cemetery no person shall,
- 4.11.1 scatter, dispose of, or inter any cremated remains or bury any human remains except in compliance with this Bylaw and any rule or regulation made thereto;
- 4.11.2 willfully or negligently destroy, mutilate, deface, damage, vandalize, injure or remove anything from a City cemetery, including and without limitation, any memorial, plant, flower, tree, rock or other item located within the limits of a City cemetery;
- 4.11.3 play any manner of sports, sports game or sports activity or carry out any activity other than attendance at an interment, memorial service, or the visitation of a plot for the purpose of paying respect to the dead;
- 4.11.4 operate a snowmobile or any other form of recreational all-terrain vehicle;
- 4.11.5 conduct them self in a manner so as to disturb the peace, quiet and good order of the cemetery generally or an interment or memorial service that is being conducted therein;
- 4.11.6 bring into or dump any rubbish, debris or other offensive item or matter or make an unauthorized removal of any cemetery refuse, waste or rubbish;
- 4.11.7 allow a child or children under the age of sixteen (16) years within the limits of a cemetery that is not accompanied by a parent, guardian or an adult supervisor;
- 4.11.8 bring any pet or animal, other than a certified personal assistance animal, into a City Cemetery;
- 4.11.9 otherwise violate any provision of this Bylaw.
- 4.12 All work within City cemeteries shall be performed by the City, employees of the City or authorized agents of the City. An individual or contractor that performs work on behalf of a rights holder or legal representative of a deceased or their heirs or successors shall supply to the City, prior to commencement of any work, proof of the firm's or the contractor's Workers Compensation Insurance, Public Liability Insurance and Motor Vehicle Insurance in a form and amount acceptable to the City.
- 4.13 A contract worker working in a City cemetery shall immediately cease work in the immediate vicinity of any interment or memorial service until the conclusion of the service and all persons attending have left the area where the service was being conducted.
- 4.14 No work may be performed at a City cemetery outside of the regular business hours of the City except where such work is necessary and has been authorized and approved by the City.
- 4.15 Notwithstanding article 5.11.3 of this Bylaw the City shall have the authority to conduct or permit to be conducted public or private events within a City cemetery that are, in the opinion of the City, deemed appropriate for and in keeping with the dignity and purpose of a cemetery.
- 4.16 The City shall be responsible for the management, control and charge of the City cemeteries and when an individual or corporation, through their immediate behavior, or a pattern of behavior, disturbs the peace, quiet and good order of a City cemetery or contravenes any article of this Bylaw, the City may take such steps it deems appropriate to expel the person or corporation from a City cemetery and refuse the admission of them entering into a City cemetery in the future. The person or corporation may be subject to application of a penalty as set out in 'Section 12.0 Penalty for Infractions' of this Bylaw.

SECTION 5 - INTERMENT RIGHTS

- 5.1 The City, subject to payment of an established fee, may grant an interment right for a vacant plot in a City cemetery on an at-need or a reserve basis.
- 5.2 The interment rights and interment specifications for plots in a City cemetery shall be those set out in *Cold Lake Policy No. 206-AD-19, Cemetery Management Policy* and as may be current at the time of the purchase or use of an interment right.
- 5.3 An applicant of an interment right, who pays in full the fee set out in Schedule "A" of this Bylaw, shall issued, by the City, an 'Interment Rights Certificate' to which sets out the rights of plot use attributed to the purchaser identified on the certificate.

- 5.4 An interment rights holder, at the time of purchase, shall reserve the right to use a plot they have purchased for themselves and authorize or assign the right of any secondary rights in a plot to another person to use or to control the exercise of an interment right where an assignee so named shall be a family member of the rights holder.
- 5.5 An interment rights holder may designate only one plot in a City cemetery for their own use.
- 5.6 Where evidence of a clear line of assignment, transfer, inheritance, succession or authority for an interment right that survives an original rights holder is not provided by the legal representative of an original rights holder then the City shall have the authority to:
 - 5.6.1 determine, through a process of due diligence and in a form prescribed by the City, the individual or individuals who may be entitled to exercise a surviving right of interment and under what conditions a surviving right of interment may be exercised, or;
 - 5.6.2 where a clear and distinct right of succession cannot be reasonably ascertained, prohibit the use of any surviving interment rights in a plot.
- 5.7 The exercise of an interment right, every interment or every other form of disposition of human remains or of cremated remains or installation of a memorial within the limits of a City cemetery is subject to;
 - 5.7.1 all provisions of this Bylaw as may be in effect at the time of purchase or use;
 - 5.7.2 payment in full of any applicable fee set out in Schedule “A” of this Bylaw as is in effect at the time of purchase or use;
 - 5.7.3 compliance with this Bylaw the terms, conditions, design, plot plan, interment and memorial parameters, standards of operation and maintenance set out in *Cold Lake Policy No. 206-AD-19, Cemetery Management Policy*, as are in effect at the time of purchase or use.
- 5.8 Subject to at-need plot demand, the City shall have the right to limit or suspend the reserve sale of interment rights in a City cemetery at any time. The City shall not sell, on a reserve basis, more than fifty percent (50%) of the developed plots available at any given time in a City cemetery.
- 5.9 The City may, by special agreement, with a society, faith group or other organization, reserve or sell interment rights for a contiguous block of plots in a section of a City cemetery under such terms and conditions as the City deems appropriate and where such section shall be used exclusively for the interment of deceased members of the society, faith group or other organization. Upon such an agreement being made no individual shall be provided an interment in that section, unless an application for interment is accompanied by a certificate from the society, faith group or organization, stating that the individual is entitled to interment in the reserved section. The City, under this provision, shall never sell or reserve more than ten (10%) percent of the developed plots available at any given time in a City cemetery.

SECTION 6 - TRANSFER & RECLAMATION OF INTERMENT RIGHTS

- 6.1 The private sale or transfer of interment rights, without the City’s knowledge, participation or approval, is prohibited and the City shall have no obligation to honor an interment right acquired under such a transaction and subsequently presented to the City for use or surrender.
- 6.2 The surrender of an interment right back to the City, for an unused plot, may be permitted and the City shall purchase interment right back at 85% of the original fee collected at the time of purchase, and transaction shall be made in compliance with cemetery legislation in effect at the time the surrender is made, providing:
 - 6.2.1 there are no interments in or memorials on a plot being surrendered;
 - 6.2.2 the original interment rights holder or their legal representative has made written application to
 - 6.2.3 the City, in a form prescribed by the City, stating their desire to surrender the interment right;
 - 6.2.4 the original Interment Rights Certificate is surrendered to the City;
 - 6.2.5 the administration fee for the surrender of an interment right, as set out in Schedule “A” of this Bylaw, is paid to the City;
- 6.3 Pursuant to cemetery legislation, an interment right for an unused plot may be reclaimed by the City if all of the following have occurred;
 - 6.3.1 there are no interments in or memorials on a plot being reclaimed;
 - 6.3.2 not less than forty (40) years has elapsed from the original date of purchase and there has been no contact from or with the original purchaser, their legal representative, heirs or successors;
 - 6.3.3 notice of the intent to reclaim the interment right has been sent to last known address of record for the interment rights holder;
 - 6.3.4 public notice of the plot reclamation has been published at least once a week for two (2) consecutive weeks in at least one newspaper or other publication circulating in the area;
 - 6.3.5 the City can demonstrate all due diligence has been made to locate and contact the interment rights holder and the City has still had no response from the original rights holder, their legal representative, heirs or successors.

- 6.4 Where an interment right for a plot has been reclaimed under article 7.3 and resold, and the interment right is subsequently required for use by the original rights holder or their heir or successor, then the City shall provide an interment right of equal or greater value that has been chosen from the available plots of the cemetery by the original interment rights holder or their heir or successor.

SECTION 7 - INTERMENT, DISINTERMENT & EXHUMATION

- 7.1 Only human remains or cremated human remains may be interred or scattered in a City cemetery.
- 7.2 Every interment of human remains or cremated remains, and every scattering of cremated remains in a City cemetery shall be consistent with *Cold Lake Policy No. 206-AD-19, Cemetery Management Policy* and conducted in a manner consistent with the dignity of adjacent plots and the cemetery.
- 7.3 No interment, scattering, disinterment or exhumation at a City cemetery shall be permitted until:
- 7.3.1 the legal representative of a deceased completes, signs and delivers to the City an interment authorization, in a form prescribed by the City;
- 7.3.2 it is ascertained that the deceased holds a valid interment right at a City cemetery or a rights holder at a City cemetery provides authorization for a deceased's human remains or cremated remains to be interred in a plot for which they hold an interment right;
- 7.3.3 all outstanding indebtedness to the City relating to an interment right to be exercised, the interment fee and the fee for any other service by the City have been paid in full to the City prior to any grave excavation, grave liner installation and gravesite preparation occurring at a plot in a City cemetery;
- 7.3.4 proper notice, as per 8.6, in a manner prescribed by the City, has been provided to the City;
- 7.3.5 for human remains, a copy of a province of Alberta burial permit has been surrendered to the City and for cremated remains, a certificate of cremation has been surrendered to the City;
- 7.3.6 where a death has occurred in a jurisdiction other than the province of Alberta, a disposition document confirming legal registration of the death in another jurisdiction, has been surrendered to authorized funeral director and the City.
- 7.4 The City shall have the right to approve interment times and to control, limit or restrict the types and numbers of interments that may occur in a City cemetery on a given day.
- 7.5 Advance notice for an interment is required. Normally notice and all documents and fees related for an interment shall be delivered to the City;
- 7.5.1 at least twenty-four (24) hours in advance of a proposed interment time, of which not less than eight (8) hours are regular operating hours of the City;
- 7.5.2 the failure to provide advance notice to the City may result in an interment booking being delayed or denied;
- 7.5.3 no booking or notice for an interment will be accepted by the City more than sixty (60) days in advance of a proposed date of interment.
- 7.6 In the instance an interment is requested in a period shorter than the notice periods set out in article 8.6 of this Bylaw the interment may, at the discretion of the City, be accommodated but may be subject to payment of an administrative fee set out in Schedule "A" of this Bylaw.
- 7.7 Upon provision of advance notice and authorization, to the satisfaction of the City, interments at a City cemetery;
- 7.7.1 may occur on any day of the week;
- 7.7.2 shall occur during daylight hours and shall conclude within two (2) hours of an time approved by the City;
- 7.7.3 interments occurring on a Saturday, Sunday or a holiday observed by the City may be subject to an overtime fee set out in Schedule "A" of this Bylaw.
- 7.8 The City shall have the authority to suspend or cancel interment services and limit or prohibit public access to part or all of a City cemetery where weather, road or grounds conditions or other extraordinary circumstance may warrant or pose a hazard to the public, City personnel or their agents.
- 7.9 Only the City or a person authorized by a funeral director or the City, shall excavate, prepare and close a plot in a City cemetery.
- 7.10 Every interment service in a City cemetery shall be conducted by or performed under the direct supervision of a licensed funeral service provider engaged by and at the expense of a deceased individual's legal representative. The funeral service provider shall be responsible for providing proper notice of an interment to the City, arranging to have the grave marked and excavated, placement and removal of gravesite artificial greens and the lowering device used for an interment and supervision of and responsibility for all persons attending an interment service under their care.
- 7.11 Every in-ground interment of human remains shall be made into a grave liner of a design approved by the City and purchased by the legal representative of the deceased. The only permitted exception to the requirement for a grave liner is for the interment of an infant or interment into a green burial plot.

- 7.12 The funeral service provider shall be responsible for the installation of the grave liner on a day arranged with the City where the City shall have the plot marked to ensure the correct installation location.
- 7.13 It is the responsibility of the legal representative of a deceased or their agent or their funeral service provider to provide such means and individuals to transfer and deliver human remains to an interment plot for interment.
- 7.14 An individual, family or a group of people, may witness the filling of a grave ('witness fill') providing:
- 7.14.1 the funeral service provider, as part of the normal notice for and authorization of an interment, shall inform the City of the witness fill request;
- 7.14.2 all proceedings during a witness fill process are the responsibility of, conducted at the direction of and at the liability of the arranging funeral service provider;
- 7.14.3 every individual present at a witness fill process shall follow every instruction given by the funeral service provider directing the interment service;
- 7.14.4 a witness fill service may be subject to an administrative fee set out in Schedule "A" of this Bylaw and shall be paid in full to the City prior to the interment service.
- 7.15 Cremated remains for interment into an in-ground plot or a niche plot shall be enclosed in an urn or container of a design, size and material approved by the City.
- 7.16 The interment of cremated remains into a human remains plot may only be made after the human remains interment(s) are made in the plot and further subject to any applicable conditions set out in *Cold Lake Policy No. 206-AD-19, Cemetery Management Policy*.
- 7.17 The City may make provision for and permit the scattering of cremated remains within a City cemetery where such scattering shall be limited to only designated areas or scattering features.
- 7.18 Only an authorized funeral director or an individual authorized by the City may place cremated remains into a cemetery plot or perform a scattering of cremated remains at a City cemetery.
- 7.19 Where permitted, scattering of cremated remains in a City cemetery shall from the moment of scattering be considered a permanent and non-recoverable disposition of the cremated remains.
- 7.20 Where an interment is directed under the Public Health Act written instructions with respect to all procedures to be followed on the interment, to protect the health and safety of all persons who may come into contact with the burial container bearing the human remains, shall be provided to the City by a medical health officer or their agent in advance of the interment.
- 7.21 Every disinterment or exhumation of human remains or cremated remains from a plot in a City cemetery shall be arranged by and conducted under the supervision of a licensed funeral service provider, engaged by and at the expense of an applicant, in compliance with cemetery legislation and in a manner consistent with the dignity of adjacent plots, the City and general community standards.
- 7.22 In the instance an applicant requests a discretionary disinterment of human remains or cremated remains from a plot under their control then the applicant shall first provide in writing to the City at their expense and in a form prescribed by the City, a document setting out;
- 7.22.1 such proof as the City may request, up to and including sworn affidavits, to establish the identity and the legal right and authority of the applicant to make the request;
- 7.22.2 such other information as the City may reasonably request as to the purpose and reason for the disinterment;
- 7.22.3 and with the understanding the provision of such information shall not bind the City to permit a discretionary disinterment, the City shall have the right to require an applicant making a discretionary disinterment request to acquire, at their expense, a Court order that compels the City to permit the disinterment requested.
- 7.23 No disinterment or exhumation shall be allowed until;
- 7.23.1 the legal representative of the deceased who has the right to authorize the disinterment of a deceased person's remains, pursuant to *Section 11 of the Alberta Cemeteries Act General Regulation*, has acquired, completed, duly signed and provided, to the funeral director and the City, an official disinterment authorization;
- 7.23.2 in the instance where the legal representative of the deceased to be disinterred is not the rights holder for the plot, written authorization from the rights holder to open and close the plot for the disinterment/exhumation shall be provided to the City, in a form prescribed by the City;
- 7.23.3 all outstanding indebtedness to the City relating to a right of interment, the exercise of the disinterment/exhumation from the plot, and any other service provided or product supplied to facilitate a disinterment/exhumation, has been paid in full to the City subject to the fees set out in Schedule "A" of this Bylaw.
- 7.24 No disinterment or exhumation of human remains or cremated remains shall be permitted from a green burial plot except where ordered by a Court of competent jurisdiction.
- 7.25 Except where ordered by a Court of competent jurisdiction or under the Public Health Act, no person other than employees or authorized agents of the City along with any duly contracted funeral service provider

or funeral director shall be permitted to be present at the disinterment or exhumation of human remains or cremated remains from a plot in a City cemetery.

- 7.26 A funeral service provider employed at the expense of an applicant for a disinterment or exhumation shall be responsible for the arrangement, performance and supervision of;
- 7.26.1 the excavation of soil from a plot, opening of a plot or niche to permit access to and removal of the human or cremated remains buried in the plot or interred;
- 7.26.2 the physical removal of the interred human or cremated remains from the plot or niche and transfer of those remains into a container that fully encloses the remains;
- 7.26.3 the removal and disposition of any intact remnants of a grave liner;
- 7.26.4 the closure of the plot when the disinterment/exhumation is complete and restoring of grounds in the plot area to an acceptable form.
- 7.27 Other than the recovery of the human remains or cremated remains readily apparent and present in a plot opened for a disinterment the City makes no representation or warranty as to what other material, personal effect or other extraneous item may be recovered at a disinterment or exhumation.
- 7.28 The application for and authorization of a disinterment/exhumation shall grant the City sole and discretionary authority to dispose of, in a safe, environmentally sensitive and dignified manner, all extraneous materials that may incidentally be recovered from a plot as part of the residue from a disinterment or exhumation, including but not limited to remnants of a burial casket, urn, other form of burial container or a grave liner or burial vault present from the date of the original interment.
- 7.29 A disinterment or exhumation in a City cemetery shall, without exception, be performed on a day and at a time of the City's choosing.
- 7.30 The re-interment of disinterred human remains or cremated remains into another plot within a City cemetery shall comply with this Bylaw in every way and as may be applicable.

SECTION 8 – MEMORIALS

- 8.1 The installation of every memorial or any form of memorial in a City cemetery shall conform to the *City of Cold Lake Cemetery Management Bylaw* and the rules and regulations of *Cold Lake Policy No. 206-AD-19, Cemetery Management Policy* as is in force at the time a memorial is to be installed, not at the date when a right of interment was purchase, when an interment was made or when the memorial was purchased, and shall conform to the plan established for the plot.
- 8.2 It is the responsibility of a rights holder or the legal representative of a deceased to arrange for the supply and installation of a memorial on a City cemetery plot. The City shall have no responsibility or obligation to place or install, at the City's expense, any form of temporary or permanent memorial at an interment plot or a remembrance site.
- 8.3 A rights holder is required to keep in proper repair, at their expense and to the satisfaction of the City, all memorials on their plot. If a memorial installed on a City cemetery falls into a state of disrepair, the City may document its condition and shall have the authority, without prior notice, to have the memorial removed, repaired, or restored at its sole discretion, at the expense of a rights holder. The City is under no obligation to take any action whatsoever related to a memorial which may have fallen into a state of disrepair.
- 8.4 Where an applicant for a memorial permit is a memorial supplier, it is the responsibility of the memorial supplier to confirm the correct location for a memorial or a companion memorial proposed for installation and to further confirm the correct layout for a companion inscription on a memorial.
- 8.5 The City shall have the authority to refuse to issue a memorial permit to an applicant if the applicant has failed to comply with the requirements of this Bylaw and/or those set out in *Cold Lake Policy No. 206-AD-19, Cemetery Management Policy*. Where such a refusal may occur, the City shall inform the applicant of what is not compliant about the memorial application and the steps that must be taken to resolve the deficiency.
- 8.6 The City shall have the authority to reject a memorial, despite the prior issuance of a memorial permit, when a memorial delivered for installation does not match the specifications described in a memorial permit application or does not comply with the requirements of this Bylaw. Where such a refusal may occur, the City shall inform the applicant of what is not compliant about the memorial delivered for installation and the steps that must be taken to resolve the deficiency.
- 8.7 Where it is determined a memorial or its installation do not comply with this Bylaw and *Cold Lake Policy No. 206-AD-19, Cemetery Management Policy* then the City may request and require, at the expense of a rights holder or their legal representative, that the non-compliant memorial be moved, reinstalled or permanently removed from a City cemetery.
- 8.8 The City shall be responsible to maintain the land on which a memorial is placed or installed but shall not be responsible for the maintenance of any memorial. The City shall not be liable for, or obligated to repair, any scratch, breakage or damage to a memorial in a City cemetery except where it can be shown any such a scratch, breakage or damage has been caused by the gross negligence of the City, its employees or its agents.

SECTION 9 - CEMETERY FEES

- 9.1 The fees established by Council for City cemeteries shall be set out in Schedule “A” of this Bylaw and shall be made available to the public upon request.
- 9.2 The City shall from time to time and on a regular basis review, establish, add, amend, delete or repeal and replace the fees set out in Schedule “A” of this Bylaw.

SECTION 10 - CEMETERY ADMINISTRATION

- 10.1 This Bylaw establishes the Council of the City of Cold Lake as the trustees of all City cemeteries as now currently exist or may exist in the future.
- 10.2 The Council, as trustees of the City cemeteries, delegates the authority to the CAO or his designate to be responsible for:
- 10.2.1 designating and empowering an employee of the City or authorizing an agent of the City to oversee the development, management, and administration of the operation, care and maintenance of the City cemeteries in accordance with all applicable legislation of Alberta or Canada, and regulations made thereto, and any bylaw of the City as amended, including SECTION 11 Perpetual Care and Maintenance, of this Bylaw;
- 10.2.2 the administration, interpretation and enforcement of this Bylaw and where the application and enforcement of this Bylaw shall be conducted in a consistent, fair and equitable manner in every case and circumstance with every user of a City cemetery;
- 10.2.3 ensuring all records, including financial records, maps and any other information needed for the management, administration, operation and maintenance of the City cemeteries are created, collected and retained as required under cemetery legislation and all other applicable legislation or regulation of the City, Alberta or Canada;
- 10.2.4 ensuring all rights of interment, permits and contracts are issued as required by and in compliance with cemetery legislation and as authorized by this Bylaw;

SECTION 11 - PERPETUAL CARE & MAINTENANCE

- 11.1 The Council, as trustees of the City cemeteries, delegates the authority to the CAO or his designate to ensure;
- 11.1.1 the care and maintenance of the City cemeteries is performed in accordance with all applicable legislation of Alberta or Canada, and regulations made thereto, and any bylaw of the City as may be amended, revised, consolidated or replaced from time to time;
- 11.1.2 the City cemeteries are maintained to an aesthetic appearance consistent with general community standards;
- 11.1.3 the roads, entrances, pathways, grounds and landscaping of the City cemeteries are maintained in a safe, operational and good state of repair;
- 11.1.4 no offence is committed in the administration and operation of a City cemetery;
no public health nuisance or safety hazard arises from the operation of a City cemetery.

SECTION 12 - PENALTY FOR INFRACTIONS

- 12.1 Any individual or corporation is guilty of an offence if the person or corporation:
- 12.1.1 contravenes this Bylaw;
- 12.1.2 willfully obstructs an Officer or assaults an Officer in the exercise or performance of their duties related to this Bylaw, with the intent to resist or prevent the lawful arrest or detainment of themselves or another person.
- 12.1.3 An individual who or corporation that is guilty of an offence is liable, upon summary conviction, to a fine of not more than \$10,000 and not less than \$50, or imprisonment of not more than one (1) year or both fine and imprisonment.
- 12.2 A Municipal Violation Tag or Provincial Violation Ticket may be issued for an offence.
- 12.3 An individual or corporation receiving the Municipal Violation Tag may on or before thirty (30) days of the date issued:
- 12.3.1 pay the fine amount to avoid prosecution of the offence;
- 12.3.2 request that a Provincial Violation Ticket be issued in place of the Municipal Violation Tag to allow that individual or corporation to attend court with respect to the offence.
- 12.4 An individual or corporation receiving a Provincial Violation Ticket, where a voluntary fine amount is indicated on the ticket may:
- 12.4.1 pay the voluntary fine amount by the date specified to avoid prosecution of the offence;
- 12.4.2 attend or have their agent attend, court on the required date indicated on the ticket and elect to enter a plea with respect to the offence.

- 12.5 An individual or corporation receiving a Provincial Violation Ticket, where there is no voluntary fine amount indicated, must appear in court.
- 12.6 Acting on behalf of the Council of the City of Cold Lake enforcement of this Bylaw, depending on the situation, circumstance and severity of violation, shall be performed by the CAO or their designate, Municipal Enforcement or the RCMP.

SECTION 13 – ENACTMENT/REPEAL

- 13.1 This Bylaw shall come into full force and effect immediately upon the date of its final passage.
- 13.2 City of Cold Lake Bylaw No. 431-AD-12 is hereby repealed.

FIRST READING passed in open Council duly assembled in the City of Cold Lake, in the Province of Alberta this 14th day of May, A.D. 2019, on motion by Councillor Buckle.

**CARRIED
UNANIMOUSLY**

SECOND READING passed in open Council duly assembled in the City of Cold Lake, in the Province of Alberta this 11th day of June, A.D. 2019, on motion by Councillor Buckle.

**CARRIED
UNANIMOUSLY**

THIRD AND FINAL READING passed in open Council duly assembled in the City of Cold Lake, in the Province of Alberta this ____ day of _____, A.D. 2019, on motion by Councillor_____.

**CARRIED
UNANIMOUSLY**

Executed this ____ day of _____, 2019.

CITY OF COLD LAKE

MAYOR

CHIEF ADMINISTRATIVE OFFICER

SCHEDULE 'A'
CEMETERY FEES

ITEM	FEE
PLOTS: Human Remains	
Infant / Child Plot:	\$ 300.00
Standard Adult Plot (Single-Depth): <i>-allows for One (1) Full Burial prior to Four (4) Cremated Remains</i>	500.00
Standard Adult Plot (Double-Depth): <i>- allows for Two (2) Full Burials in the same plot</i>	1,250.00
Field of Honour Plot:	300.00
Green Burial Plot:	1,000.00
PLOTS: Cremated Remains	
Standard / Green Burial Cremation Plot:	\$ 500.00
Columbarium Niche Plot:	1,250.00
Standard Adult (cremation only) Plot: <i>- allows for Six (6) Cremated Remains only</i>	500.00
Green Burial (cremation only) Plot:	1,000.00
MEMORIALS: Installation Permits	
Flat Marker Permit	\$ 75.00
Upright Monument Permit	75.00
Columbarium Niche Plate Permit	125.00
Green Burial Inscription Permit	75.00
INTERMENT / SERVICES: Administration / Records Management	
Interment - Infant/Child: Human Remains	\$ 50.00
Interment - Adult: Human Remains	125.00
Interment – In-Ground: Cremated Remains	75.00
Interment – Niche: Cremated Remains	75.00
Scattering: Cremated Remains	50.00
Saturday / Sunday / Holiday - Services	200.00
Late Notice for Interment	125.00
Disinterment / Exhumation	500.00
GENERAL: Administration & Records Management	
Transfer of Interment Right – to another individual and Name Change for Plot	\$100.00
Transfer of Interment Right returned to City of Cold Lake <i>will be purchased by the City at 85% of the original cost charged to the Owner by the City.</i>	
Records Fee – Second (double-depth) Interment of Human Remains	75.00
Records Fee – Secondary Interment in Occupied Plot – Cremation Urn	75.00
Witness Close & Fill of Grave	<i>nil</i>
Records – Amend / Correct / Add to an Existing Record	50.00

Services are subject to availability. All fees are subject to change. All fees are subject to GST. Prices are effective January 1, 2019.