

**CITY OF COLD LAKE
BYLAW #431-AD-12**

TO REGULATE AND CONTROL THE OPERATION OF THE CITY OF COLD LAKE CEMETERY

A BYLAW OF THE CITY OF COLD LAKE IN THE PROVINCE OF ALBERTA, TO REGULATE AND CONTROL THE OPERATION OF THE CITY OF COLD LAKE CEMETERY

PURSUANT to the *Cemeteries Act of Alberta*, Revised Statutes of Alberta 2000, Chapter C-3 and *Cemeteries Act*, General Regulations, Alberta Regulation 249/2010;

WHEREAS Bylaw 431-AD-12 will repeal the Town of Grand Centre Cemetery Bylaw 92-714;

WHEREAS Schedules "A", "B" and "C" which form part of this Bylaw can be amended from time to time by resolution of Council; and

NOW THEREFORE, the Council of the City of Cold Lake in the Province of Alberta, in Council duly assembled, hereby enacts as follows:

TITLE

1. This Bylaw shall be cited as the "Cold Lake Cemetery Bylaw".

DEFINITIONS

2. In this ByLaw:

- 2.1 "Adult" means any person over the age of eighteen (18) years;
- 2.2 "Ash Inurnment" means the act of burying cremated remains. The act includes the digging of the grave, placement of the ashes and the backfilling of the grave;
- 2.3 "CAO" means the Chief Administrative Officer or his/her designate;
- 2.4 "Caretaker" shall mean the person placed in charge of the day-to-day operations of the Cemetery employed by the City of Cold Lake;
- 2.5 "Cemetery" means Grand Centre Memorial Park and Lakeview Cemetery, or any other cemetery in the City of Cold Lake operated by and under the control of the City of Cold Lake;
- 2.6 "Child" means any person between the ages of one (1) year and seventeen (17) years;
- 2.7 "City" means the City of Cold Lake;
- 2.8 "Council" means the Council of the City of Cold Lake;
- 2.9 "Funeral Director" means any registered or licenced embalmer or mortician;
- 2.10 "Grave" a plot designated for burial of human remains and cremated human remains;
- 2.11 "Immediate Family Member" means a person's spouse, parents and grandparents, children and grandchildren, brothers and sisters, mother-in-law and father-in-law, brothers-in-law and sisters-in-law, daughters-in-law and sons-in-law;
- 2.12 "Infant/Stillborn" means a child that is less than one (1) year or a deceased child at the time of birth;
- 2.13 "Public Services Department" means the Parks and Recreation Department of the Public Services Department of the City of Cold Lake, who are responsible for the maintenance and care of the Cemetery;
- 2.14 "On-going Maintenance" means a general term used to designate all various types of work the City does to ensure that the burial plots and the continuous foundations are kept in good repair, and that the surrounding grounds are properly cared for; this does not include monument care;
- 2.15 "Open and Close" means the digging of the grave, the placement of the rough box vault, the supply and placement of the lowering device and City greens, the backfilling and levelling of the grave, site clean-up and placement of funeral decorations, and reestablishment of grass as soon as practicable afterwards. This also applies to the digging of a cremation grave by manual or mechanical means;
- 2.16 "Veteran" means a person who at any time during his/her life served on a full-time basis for Canada in any war which Canada participated, and who has a Veteran's Affairs registration number.



MONUMENT DESCRIPTIONS

2.17 Monument Descriptions

- 2.17.1 "Concrete Foundation" means a piece of rectangular concrete which is placed to support a monument;
- 2.17.2 "Continuous Monument Foundation" means concrete installed by the City to support monuments. These foundations are continuous in fashion;
- 2.17.3 "Footstone" is a structure of marble, granite or similar material placed at the foot of the grave for memorial purposes. The installation of such monument is not permitted;
- 2.17.4 "Grave Cover" is a structure of marble, granite, or similar material placed on the entire burial plot for memorial purposes and set level with the contour of the ground. The installation of such monument is not permitted;
- 2.17.5 "Grave Decoration" is anything that is placed on a grave for memorial purposes; and
- 2.17.6 "Monument" means a headstone, tombstone, upright or vertical monument, pillow monument, a flat monument that is made of granite, marble, metallic materials, or other materials acceptable to the Public Services Department. All of these are supported by a concrete foundation or a continuous monument foundation which is somewhat lower but level with the surrounding ground contour of the particular grave.

PLOT DESCRIPTIONS

2.18 Plot Descriptions

- 2.18.1 "Double Depth Plot" means a single grave plot (full plot) in which the City will permit the burial of two (2) bodies in separate caskets placed one above the other provided the caskets are placed at minimum depths as required by the *Cemeteries Act of Alberta*, Revised Statutes of Alberta 2000, Chapter C-3 and *Cemeteries Act*, General Regulations, Alberta Regulation 249/2010; and
- 2.18.2 "Full Plot" means a single grave plot measuring 1.2 meters wide by 2.8 meters long.

ADMINISTRATION

- 3. The operation of the Cold Lake Cemetery shall be in accordance with all policies, rules and regulations, and procedures established by the Council of the City of Cold Lake and in accordance with the *Cemeteries Act of Alberta*, Revised Statutes of Alberta 2000, Chapter C-3 and *Cemeteries Act*, General Regulations, Alberta Regulation 249/2010.
- 4. The Caretaker shall be responsible for the selling of the plots, the keeping of all necessary records and the collecting of fees and charges in accordance with the Cemetery.
- 5. The Public Services Department shall have sole control of all matters related to the Cemetery, including but not necessarily limited to, maintenance and enforcement of this Bylaw.
- 6. All fees and charges in connection with the sale, use and care of a plot(s), and/or other facilities which are or may in the future be offered in connection with the Cemetery operation, shall be in accordance with Schedule "A" attached to and forming part of this Bylaw.
- 7. Cemetery information is available at City Hall every day except Saturdays, Sundays and statutory holidays.
- 8. As per the *Cemeteries Act of Alberta*, Revised Statutes of Alberta 2000, Chapter C-3 and *Cemeteries Act*, General Regulations, Alberta Regulation 249/2010, a portion of the fees charged in Schedule "A" provides for perpetual care. Perpetual care and maintenance will include: filling and reseedling of any sinking grave, and generally to do and perform all things necessary and expedient to preserve the said grave plot in a neat and tidy condition, and to properly care for and protect the same so far as the funds available will extend. Perpetual care does not include any responsibility for repair and maintenance of the monument or the concrete foundation.

GENERAL RULES AND CONDITIONS – BURIAL PLOT PURCHASES AND UTILIZATIONS

- 9. Not more than four (4) reserved plots, in the Cemetery, may be purchased by any person or estate, except in special circumstances when approved by the CAO.

10. Reserved plots may be transferred from one (1) immediate family member to another immediate family member, but no transfer shall be valid unless such transfer is duly registered with the Caretaker. The purchaser of a grave or his/her legal representative may not transfer or assign the grave to any other person other than another immediate family member. Fees and charges are in accordance to Schedule "A".
11. An owner of any reserved plot(s) may cancel his/her reservations by advising the City in writing. The City's refund shall be based on a percentage of the value of the plot(s), which shall be an amount representing at least eight-five per cent (85%) of the market value of the plot(s) at the date of resale, as listed in this Bylaw at the time of cancellation in accordance with the *Cemeteries Act of Alberta*, Revised Statutes of Alberta 2000, Chapter C-3 and *Cemeteries Act*, General Regulations, Alberta Regulation 249/2010. Any plot(s) purchased at the prices that reflect Bylaw 92-714 will be refunded at the cost reflected in the schedule less administration charges as set out in Schedule "A".
12. It is a condition of sale of every burial plot(s) that the purchaser expressly waives any claim arising from an error caused by City personnel or operations providing that it was not reasonably possible to avoid such an error. The City's liability shall only extend to a refund of any money paid to the City for a plot(s) providing that the plot(s) suggested as an alternative is/are not acceptable to the purchaser.
13. It is a condition of sale of every burial plot that the City has the right to reclaim all unused burial plots after the period of twenty (20) years has expired if the following conditions have been met:
 - 13.1 the interment space is not in use for interment;
 - 13.2 the Caretaker has not heard from the purchaser of the interment space, or from the purchaser's personal representative, for a period of twenty (20) years;
 - 13.3 the Caretaker has made every reasonable effort to locate the purchaser of the interment space or of the purchaser's personal representative, and has failed;

pursuant to the *Cemeteries Act of Alberta*, Revised Statutes of Alberta 2000, Chapter C-3 and *Cemeteries Act*, General Regulations, Alberta Regulation 249/2010.
14. A full plot shall only be used for:
 - 14.1 the single burial of an infant/stillborn, child or adult;
 - 14.2 no more than one (1) body shall be buried in a single casket except a mother and her infant/stillborn when both are in the same casket;
 - 14.3 the single burial of an infant/stillborn, child or adult, but with the provision that up to four (4) ash inurnments shall be permitted where continuous monument foundations exist or where there is an existing monument;
 - 14.4 a double depth burial;
 - 14.5 a double depth burial, but with the provision that up to four (4) ash inurnments may also occur and shall be permitted where continuous monument foundations exist or where there is an existing monument; or
 - 14.6 cremation purposes only for up to six (6) ash inurnments. In the instances where a continuous monument foundation exists or where there is an existing monument, six (6) ash inurnments are permitted.

GENERAL RULES AND CONDITIONS – INTERMENTS AND DISINTERMENTS

15. No plot(s) (cremation, traditional interment or disinterment) shall be opened for any reason by any person not in employment of the City and under contract with a funeral director. In all cases, a request for opening or disinterment shall be accompanied by such forms and signatures as are required by law by the Government of Canada or Alberta.
16. All single interments require a concrete outer receptacle or liner. All double depth interments require a concrete outer receptacle, or liner, for the lower interment.
17. Burials in the Cemetery shall be permitted during the hours from 8:30 a.m. to 4:30 p.m., excluding declared or Statutory Holidays. Special arrangements may be made for Saturday, Sunday and Statutory Holiday burials, but since Saturday, Sunday and Statutory Holidays are not regular working days, all Saturday, Sunday and Statutory Holiday inurnments/interments shall be charged an established rate as set out in Schedule "A". The only exception for burials will be burials ordered by the Provincial Health Department or during a period of extraordinary happenings.
18. The Funeral Director will perform all the activities involved with the placing and removing of the greens and lowering device which are to be provided by the Funeral Director.

19. A disinterment of a body, regardless of the circumstances, shall not take place until a permit for disinterment is issued by the Provincial Government and copy thereof is presented to the Caretaker. Disinterment must be attended by the funeral home requesting such service. The funeral home must provide the staff to handle the human remains and all necessary equipment, supplies and any related costs will be at the expense of the requestor.
20. No interment shall be permitted in any plot on which there are unpaid charges due and payable to the City.
21. Cemetery plots shall be used only for the burial of human remains and cremains.
22. Ashes may be inurned in any plot already occupied where the person/or next of kin (who is deemed to have authority) gives written permission for such inurnment. The general rules and conditions discussed elsewhere in this Bylaw associated with traditional burials will still apply to inurnment of ashes; fees and charges are different and are in accordance to Schedule "A".
23. No person shall enter upon any portion of Cemetery which is set apart for storage facilities without having first obtained the consent of the Public Services Department.

INTERMENT NOTIFICATION

24. All applications for burials are to be made to the Caretaker at City Hall during regular working hours. Any changes to the initial instructions must also be reported to this office.
25. Advance notice is required in accordance to the following:
 - 25.1 all applications for burial shall be made to the Caretaker at least sixteen (16) working hours before the interment;
 - 25.2 if there is a reason on the part of the grieving family to accelerate the interment time, the Caretaker may consider an application only if the following conditions are met:
 - 25.2.1 at least eight (8) working hours' notice is given.

GENERAL MONUMENT REGULATIONS

26. Monument or monument foundations shall not be erected in the Cemetery unless an application for a permit has been submitted and approved by the Caretaker. Monuments are placed in the Cemetery at the owner's risk and the City assumes no responsibility for damage or loss due to vandalism, etc. It is the owner's responsibility to contact an Insurance Agent to discuss the possible coverage.
27. Concrete, granite or marble covers will not be permitted to be installed. There will be no matching of existing grave covers permitted.
28. Upright monuments shall be placed on a granite or marble base laid on a concrete foundation, such foundations shall be as per specifications in Schedule "B".
29. A concrete foundation shall:
 - 29.1 mean a rectangular piece of concrete of not less than one thousand-five hundred-forty two (1,542) kilograms P.S.I. strength and not less than a 10.2 centimetres thickness;
 - 29.2 be placed level with the surrounding ground contour with no corners protruding; and
 - 29.3 be 10.2 centimetres wider on all sides of the monument or monument base it is going to support.
30. No trees, shrubs or flowers may be planted.
31. No monument, including the monument foundation shall exceed the maximum dimensions stated in Schedule "B".
32. Monuments shall be installed so that the top edge of the monument foundations shall be in alignment with all other foundations in that particular row.
33. Prior to the removal of any monument for any reason, the Caretaker shall be notified.
34. After installation of a monument, no fixture of any type, such as pictures, ornaments, or similar items may be attached or affixed in any manner whatsoever to any part of a monument.

35. Lettered boards, or memorial designs of any description designating graves; other than the standard temporary marker provided by the funeral home, will not be permitted. The standard temporary marker provided by the funeral home must be removed after a period of one (1) year from the date of the burial. The City is not responsible for standard temporary markers.
36. No fences, railing, coping, earthmound, plantings or any other type of material, shall be placed on any burial plot except for a monument placed in accordance with the provisions of this Bylaw.
37. All persons employed by a monument supply company firm shall be subject to the direction and control of the Public Services Department while working in the Cemetery, and shall provide sixteen (16) working hours' notice to inform the Public Services Department of when an installation will take place.
38. The Public Services Department may, from time to time, report to the owners or next of kin on the condition of any monument in need of repair, and it shall be the duty of the owner of such monument, or the next of kin, to repair same within three (3) months' time to the satisfaction of the Public Services Department.
39. All earth, debris, litter and rubbish arising or resulting from work done on any burial plot shall be carefully cleaned up and removed from the Cemetery by the party carrying out such work.
40. Ash inurnments are permitted only after traditional interments have occurred or when no traditional interments will occur. Ash inurnments shall not be permitted under the continuous monument foundation.
41. When an installation of a monument and/or foundation is in non-compliance with the Cemetery Bylaw, a notice identifying the non-compliance will be issued by the Caretaker. If the problem is not rectified in a reasonable amount of time, the Public Services Department has the authority to remove the monument in question.

GRAVE DECORATION

42. Grave decorations placed at the Cemetery shall conform to the following guidelines, refer to:
 - 42.1 the grave decorations must not include lawn ornaments or any items made of glass or china; and
 - 42.2 flowers and potted plants shall not be placed on the turf areas of graves except as provided as otherwise herein.
43. Flowers placed on a grave following the burial may be left for seven (7) calendar days, after which they may be removed and disposed of by the Public Services Department.

GENERAL PROVISIONS

That within the Cemetery:

44. All vehicular traffic shall travel at speeds no greater than fifteen (15) kilometres per hour and shall be restricted to roadways only. Service vehicles will be permitted off the roadways when providing the necessary services of the Cemetery.
45. The use of snowmobiles and other all-terrain recreation vehicles will not be permitted at any time.
46. There will be no canvassing, advertising or placement of advertising trademarks on any monument within the Cemetery.
47. No picnics, parties or gatherings, except for funerals or a ceremony of observance shall be permitted in the Cemetery.
48. No person shall litter or commit any wilful damage to the Cemetery's landscape, or any monument, building or other structure in the Cemetery.
49. No pets or animals are permitted in the Cemetery.
50. The Public Services Department shall have the authority to remove from the grounds any person disturbing the peace or good order of the Cemetery by noisy or improper conduct or language, or any person violating any of the provisions of this Bylaw.




PENALTIES

- 51. Any person who commits any act or omission contrary to this Bylaw is guilty of an offense and is liable on summary conviction of a fine not less than five hundred dollars (\$500.00) and not more than one hundred thousand dollars (\$100,000.00) exclusive of costs or in the case of non-payment of the fine and costs imposed, to imprisonment of any period not exceeding two (2) years.
- 52. Enforcement of this Bylaw shall be by way of the CAO, Caretaker and/or the Public Services Department.

ENACTMENT

- 53. This Bylaw shall come into full force and effect immediately upon the date of its final passage.

FIRST READING passed in open Council duly assembled in the City of Cold Lake, in the Province of Alberta this 13th day of March, A.D., 2012, on motion by Deputy Mayor Vining.

**CARRIED
UNANIMOUSLY**

SECOND READING passed in open Council duly assembled in the City of Cold Lake, in the Province of Alberta this 27th day of March, A.D., 2012, on motion by Councillor Lay.

**CARRIED
UNANIMOUSLY**

THIRD AND FINAL READING passed in open Council duly assembled in the City of Cold Lake, in the Province of Alberta, this 27th day of March, A.D., 2012 on motion by Councillor Buckle.

**CARRIED
UNANIMOUSLY**

CITY OF COLD LAKE



MAYOR



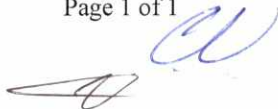
CHIEF ADMINISTRATIVE OFFICER

SCHEDULE "A"
CITY OF COLD LAKE
BYLAW # 431-AD-12

2012-04-04 007

SCHEDULE OF FEES all prices exclude G.S.T.

BURIAL PLOT FOR ADULT	\$500.00
BURIAL PLOT FOR INFANT/STILLBORN and CHILD	\$300.00
BURIAL PLOT FOR FIELD OF HONOR	\$300.00
EXTRA CHARGES FOR FUNERALS ON WEEKENDS and STATUTORY HOLIDAYS	\$200.00
PERMIT FEE FOR INSTALLATION OF MONUMENTS	\$75.00
TRANSFER OF BURIAL PLOT	\$100.00
TRANSFER OF BURIAL PLOT TO CITY OF COLD LAKE	\$100.00
PERMIT FEE TO INURN IN OCCUPIED PLOT	\$100.00



SCHEDULE "B"
CITY OF COLD LAKE
BYLAW #431-AD-12

2012-04-04 008

SPECIAL PROVISIONS FOR MONUMENTS

1. REGULAR SINGLE GRAVE

One upright monument – maximum height 1.02 meters or a flat monument placed at the head of the grave.

When the cremains are to be buried in a grave (previously interred) and where one monument exists, a flat monument measuring not more than .069 meters by 0.51 meters including foundation and placed adjacent to the foundation of the existing monument shall be permitted. Regular concrete foundation is required.

A double cremation monument may be permitted, which would be placed adjacent to existing monument and would measure 1.02 meters by 0.51 meters including foundation. This would only apply in a side-by-side graveside situation and should not be larger than the monument.

2. SIDE-BY-SIDE GRAVE, ONE COMMON STONE (owned by the same individual)

One upright monument (where permitted) or one flat monument placed at the head of the common plots.

3. GRAVE COVERS

Any new concrete or granite covers are not permitted in any section. The matching of existing grave covers will be permitted to any burial plots that were in place prior to this bylaw coming into effect.

4. CONTINUOUS MONUMENT FOUNDATION

In areas where continuous monument foundations are provided, the monuments shall be installed thereon and no other concrete foundation shall be required.

In areas where continuous monument foundations are provided, the concrete boundary of 10.2 centimetres is not necessary.

The placement of cremains under continuous monument foundations will not be permitted.

**SCHEDULE “C”
CITY OF COLD LAKE
BYLAW #431-AD-12**

CITY OF COLD LAKE CEMETERIES IMPORTANT REGULATIONS

The City of Cold Lake Cemetery is owned and maintained by the City of Cold Lake on behalf of its citizens. The general maintenance is carried out by employees of the Public Services Department.

Cemetery information is available at City Hall every day, except for Saturdays, Sundays and Statutory Holidays, during the hours of 8:30 a.m. to 4:30 p.m.

**EXCERPTS FROM THE BYLAW OF THE CITY OF COLD LAKE
GOVERNING THE CITY OF COLD LAKE CEMETERY**

1. **Rules and regulations** made from time to time by City Council shall be binding upon plot owners and upon all other persons to whom they apply.
2. **Vehicle traffic** speed limit is fifteen (15) kilometers per hour and shall be restricted to roadways only.
3. **Grave decorations** must not include lawn ornaments or any items made of glass or china. Such decorations will be removed for maintenance reasons.
4. **Flowers and potted plants** shall be not placed on the turf areas of the graves except for a period as laid out in the Bylaw.
5. **Ash inurnments** are permitted only after traditional interments have occurred or when no traditional interments will occur. Ash inurnments shall not be permitted under the continuous monument foundation.
6. **Cemetery plots** shall be used only for the burial of human remains and cremains.
7. **Monuments or monument foundations** shall be not erected in the Cemetery unless an application for a permit has been submitted and approved by the Caretaker.
8. No **monument**, including the **monument foundation** shall exceed the maximum dimensions as stated in Schedule “B” of this Bylaw.
9. **Monuments**, flowers and decorations are placed in the Cemetery at the owner’s risk and the City assumes no responsibility for damage or loss due to vandalism, etc. “All risk” coverage (theft, vandalism, malicious damage and other extended coverage) may be available through an Insurance Agent.
10. No **fence, railing, coping, earthmound, plantings or any type of memorial** shall be placed on any burial plot except for a monument placed in accordance with the provisions of this Bylaw;
11. No **pets or animals** are permitted in the Cemetery.
12. **Sacred grounds** – A Cemetery is a sacred place. Quiet reverence must be observed by everyone and the Cemetery reserves the right to refuse admission at any time.
13. No **plot(s) (cremation, traditional interment or disinterment)** shall be opened for any reason by any person not in the employment of the City and under contract with a funeral director. In all cases, a request for opening or disinterment shall be accompanied by such forms and signatures as are required by law by the Government of Canada or Alberta.