

BYLAW NO. 1983-20
OF THE
CITY OF WETASKIWIN
IN THE PROVINCE OF ALBERTA

**A BYLAW RESPECTING THE WETASKIWIN CEMETERY
OPERATED BY THE CITY OF WETASKIWIN.**

WHEREAS, the Municipal Government Act Chapter M-26 RSA 2000 and amendments thereto and the Cemeteries Act Chapter C-3 RSA 2000 and amendments thereto, provides Council with the authority to regulate and manage Cemeteries, and;

WHEREAS, Council has deemed it expedient and necessary to update the Cemetery rules, regulations and tariff of charges to reflect present needs and conditions;

NOW THEREFORE, the Council of the City of Wetaskiwin duly enacts as follows:

1. TITLE

- 1.1. This bylaw may be known as the "Cemetery Bylaw".

2. DEFINITIONS

In this Bylaw, unless the context otherwise requires:

- 2.1. "CAO" means Chief Administrative Officer (City Manager).
- 2.2. "Cairn or Boulder Monuments" refers to a stone or heap of stones placed as a memorial.
- 2.3. "Cemetery" means the Wetaskiwin Cemetery in the City operated by and under control of the City.
- 2.4. "City" means the City of Wetaskiwin, in the Province of Alberta who operates the Wetaskiwin Cemetery, which shall include but not be limited to administration, maintenance and record keeping.
- 2.5. "Cremation Plot" means a grave plot, measuring 2' x 2' (.6m x .6m).

- 2.6. "Full Body Plot" means single grave 4' x 9' (1.2m x 2.7m).
- 2.7. "Grave Liner" means a concrete or metal rough box placed in a grave to house a casket.
- 2.8. "Monument" means any permanent grave structure or headstone level with or above the ground.
- 2.9. "Non-Resident" means any person who does not reside within the legal limits of the City of Wetaskiwin or the County of Wetaskiwin.
- 2.10. "Owner" means a person, heir, executor or authorized funeral director, with burial privileges for one or more plots.
- 2.11. "Perpetual Care" means the preservation and maintenance in perpetuity and in a proper manner of the cemetery and grounds.
- 2.12. "Perpetual Care Fund" means all funds received by the City from the Perpetual Care fee for the purpose of providing perpetual care and named the Wetaskiwin Cemetery Perpetual Care Fund.
- 2.13. "Public Works Manager" means the Public Works Manager of the City of Wetaskiwin or his or her designate.
- 2.14. "Unallocated Plots" means a plot pre-purchased which will be allocated at the time of burial.
- 2.15. "Veteran" means a person who was a member of the Armed Forces of Canada, the United Kingdom or any Armed Forces of a country allied with Canada or the United Kingdom who served in any war.

3. LAND DESCRIPTION

- 3.1. The following land is hereby established and set apart for the sole purpose of a public cemetery to be known as "Wetaskiwin Cemetery" described as follows:

Plan 8143ET, Block A and B
Containing 10.27 acres more or
less

4. GENERAL

- 4.1. The Public Works Manager shall have the 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 section 8 of this Bylaw, containing such regulations.
 - 4.2. No owner shall change the grade of any plot. The Public Works Manager is authorized to restore any plot that is altered in grade contrary to the provisions of this section, at the expense of the owner.
 - 4.3. No person shall make any path, cut any sod, or move or place corner posts or grave markers.
 - 4.4. Overtime charges will apply for any hours outside the City working hours of 8:30 a.m. to 4:30 p.m. Monday to Friday and Statutory holidays.
 - 4.5. While the City will take all reasonable precautions to protect the property of the owner, 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 the plot.
 - 4.6. The City reserves the right to alter regulations set out in section 8 of this bylaw and the CAOs may temporarily suspend, revoke or vary any regulation upon a written request.
5. SALE AND TRANSFER OF PLOTS
- 5.1. A person may purchase a maximum of four (4) Full Body plots or two (2) cremains plots. Approval by the Cemetery Committee is required for any larger purchases. Upon payment of the fee appearing in schedule B, a deed will be issued.
 - 5.2. The survey and interment records are maintained by the City at the Public Works Office. The City will accept no responsibility for any excavation upon any plot unless it is undertaken following prior consultation with the Public Works Manager.
 - 5.3. Portions of Section D and E are reserved exclusively for the burial of Veterans of wars in which Canada has participated.
 - 5.4. The owner of any plot(s) can only sell the plot(s) to the City and the request

must be made in writing. The purchase price will be 85% of the current market value. Family members may transfer the plot(s) to each other with a written request to the Public Works Manager for approval.

- 5.5. For pauper funerals, Social Services rates will apply. All items are GST exempt.

6. INTERMENTS AND DISINTERMENTS

- 6.1. Any person or agent requesting an interment shall have all related costs as per schedule B paid for prior to burial or a Request for Cemetery Plot(s) request form turned into the Public Works Manager.
- 6.2. No person shall personally or by agent undertake an interment in any burial plot unless and until there has been produced to the Public Works Manager, the following:
 - 6.2.1. Burial Permit issued by the proper official of the Province of Alberta;
 - 6.2.2. Cemetery deed issued by the City or written permission from the owner of the said plot permitting the burial, approved by the Public Works Manager.
- 6.3. A minimum of forty-eight (48) hours' notice from May 1 – November 1 and from November 2 – April 30, seventy-two (72) hours' notice must be given to the Public Works Manager prior to interment, unless otherwise authorized in writing by Public Works Manager.
- 6.4. Interment of any body other than that of a human being is prohibited.
- 6.5. The City accepts no responsibility for any error or misunderstanding that may arise when any owner or agent orders an interment by telephone.
- 6.6. Every owner obtaining a plot in the cemetery shall be held responsible for all charges in connection with the disinterment or removal of a body when applicable.
- 6.7. Any person signing an order for interment will be held responsible for all charges in connection with such interment.
- 6.8. All persons shall comply with the government regulations for erection of monuments applicable to that part of the cemetery in which the interment is made. The fees for such are set out in schedule B.

- 6.9. Disinterment's shall only take place at times pre-arranged by the Public Works Manager.
- 6.10. No disinterments or removal of a body shall be allowed without the consent in writing of the surviving relative or the legal representative of the person whose body is to be disinterred or removed. The City will not be responsible for any disinterments. Disinterments must be arranged and completed by a Funeral Home under the supervision of the Public Works Manager. All costs incurred shall be the responsibility of the family or agent, including the cost of a new grave liner if required.
- 6.11. Whenever a grave shall become vacant by removal of the body or bodies, the grave from which the body has been removed shall revert without refund to the Wetaskiwin Cemetery.
- 6.12. Disinterment of a body shall not take place until a permit, signed by the Department of Vital Statistics is presented to the Public Works Manager.
- 6.13. Concrete grave liners must be used for all burials except for:
 - 6.13.1 Children age six (6) and under which require at least a wooden rough box, and;
 - 6.13.2 Cremains.
- 6.14. Concrete grave liners must be totally buried and the highest point being at least two (2) feet (0.6 meter) below the soil surface.
- 6.15. All requests for opening and closing graves shall be processed through the Public Works Manager. All opening and closing of graves shall be done by the Public Works Department.
- 6.16. The Funeral Home shall be responsible for lowering the grave liner, casket and placing and removal of "greens". The Funeral Home or its representative, shall be present until the grave liner is sealed.
- 6.17. It is a condition of every deed to use any plot in the Wetaskiwin Cemetery, that the deed expressly waives any claim arising by reason of any error or mis-description of any burial plot. The City undertakes that it will attempt in so far 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.

- 6.18. All burials are to be made within the confines of a single plot. There shall not be more than one (1) full body burial in a single plot. Where a plot is occupied by a full body, ashes, to a total of four cremains, may be buried in that plot when the person in charge of the ashes has received permission for such burial from the Public Works Manager.
- 6.19. Except in cases of extreme necessity such as the danger of contagion or infection, or in case of an epidemic, the City will not permit interments to be made on Statutory Holidays, unless by order of the Province of Alberta.
- 6.20. Before disinterment is allowed for the remains of a person who died from a contagious disease, a permit shall be obtained from the Province of Alberta and presented to the Public Works Manager.
- 6.21. All locations of interment shall be determined at the time of burial as per the next available plot. An additional three (3) plots may be purchased and reserved at this time.

7. MONUMENT WORK

- 7.1. No owner may erect upon any plot any monument while any outstanding charges for that plot are due and owing to the City.
- 7.2. No monument, vault or other structure shall be erected or placed on any plot until its design and the plans and specifications relative to the material, construction and the proposed location thereof have been submitted to the City and are in substantial compliance in the opinion of the Public Works Manager.
- 7.3. No person shall place on any plot a monument of artificial stone, glass, wood, or any other material unless the material proposed to be used is approved for use in section 8 of this bylaw.
- 7.4. Monuments shall only be installed Monday to Friday between the hours of 8:30 a.m. and 12:00 noon or the hours of 1:00 p.m. and 4:30 p.m. and all work on monuments shall cease during a funeral procession and funeral.

8. REGULATIONS

8.1. Advertising:

- 8.1.1. No person shall canvass for orders or distribute business cards in any cemetery.

8.1.2. 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.

8.2. Vegetation:

8.2.1. 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 Public Works Manager.

8.2.2. 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.

8.2.3. All flowers must be placed in a cast bronze or aluminum container. The container must be either affixed to the base or pillow, or have a stainless steel strap bolted to the container so that the strap may be inserted under the base or pillow. No containers shall be attached to the concrete sidewalk. Maximum height from the top of sidewalk to top of container shall be twenty (20) inches.

8.2.4. Cut flowers shall be removed from plots by the cemetery staff as soon as they become wilted or unsightly and persons wishing to retain same must remove them within forty-eight (48) hours after interment.

8.2.5. Artificial flowers shall be allowed on plots until they become unsightly and/or until they become a significant maintenance problem. Once artificial flowers are removed they will be retained for thirty (30) days so the owner has time to claim them.

8.2.6. Annual flowers shall not be planted upon graves.

8.3. Decorum:

8.3.1. No person shall drive a vehicle in a cemetery except at a moderate rate and then only upon the roadway provided for the purpose. No turning or backing is permitted on any roadway on the cemetery grounds.

8.3.2. No person may picnic, party or gather unless for funerals and related services in the cemetery grounds.

- 8.3.3. No person shall disturb the quiet and good order of a cemetery by noise or other improper conduct.
- 8.3.4. All plots in the cemetery will be sold with reasonable upkeep. The term reasonable shall mean the regular care as given to all municipal property.
- 8.3.5. Visitors must keep to the walks and drives and must not cross over, occupy or otherwise trespass upon any plot or grave not their own.
- 8.3.6. All vehicles and funeral processions are subject to the direction and control of the Public Works Manager and must not exceed a speed of 15 kilometers per hour while being driven within the cemetery area.
- 8.3.7. All persons and their families will be allowed access to the cemetery at proper times. A person may be requested to identify themselves and state their reason for attendance and should that person have no reasonable explanation or have been previously in breach of the Cemetery Bylaw, he or she may be denied access or asked to leave the cemetery.
- 8.3.8. No person shall throw rubbish within the cemetery grounds except in the receptacles provided by the City.
- 8.4. Enforcement:
 - 8.4.1. Any person who commits an offence pursuant to this Bylaw is guilty of an offence and is liable on summary conviction to a fine not exceeding ten thousand (\$10,000.00) exclusive of cost, or in the case of non-payment of the fine and cost imposed, to imprisonment for any period not exceeding one (1) year.
- 8.5. Any matters not dealt with in this Bylaw shall be dealt with by the Public Works Manager in the manner that they deem most appropriate, having consideration for the appearance of the cemetery and the scope and intent of this Bylaw.
- 8.6. Employees of the City, while carrying out duties under this bylaw are prohibited from accepting any gifts or monetary consideration of any form. Any employee who accepts any such gift or monetary consideration will be subject to the City's applicable disciplinary policies.
- 8.7. Monuments:

- 8.7.1. All firms or individuals wishing to place/replace a new monument or memorial must first obtain a permit from the Public Works Manager at the Public Works Office.
- 8.7.2. No inscription or impression shall be placed on any monument which, in the opinion of the Public Works Manager, is not in keeping with the dignity and decorum of the cemetery.
- 8.7.3. For the protection of the plot holder and the beauty of the cemetery all inscriptions or impressions on all monuments must be well cut and in good proportion.
- 8.7.4. Inscription additions/changes to an existing monument can be made by obtaining a permit.
- 8.7.5. In erecting or placing monuments upon any plot the owner or his or her agent shall conform to the following:
 - (i) Be under the supervision of the Public Works Manager.
 - (ii) Not interfere with any other plots.
 - (iii) Convey, transport, and place all materials.
 - (iv) Remove all masonry litter, rubbish or refuse from the area and leave it in a neat and tidy condition.
 - (v) In the event of a failure or refusal to do so the City may cause the same to be done and charge the cost thereto to the plot owner or his or her agent.
- 8.7.6. Any monument installed that does not comply with this Bylaw shall be removed by the Public Works Manager and shall only be returned to the owner upon payment of costs as determined by the Public Works Manager.
 - (i) Every owner of a monument or other object upon any plot shall maintain it in proper repair.
 - (ii) When, in the opinion of the Public Works Manager, any monument or other object upon a plot is in a state of disrepair, the owner shall be notified in writing and required to promptly repair the damage. Any monument or erection not repaired within thirty (30) days after a letter has been addressed to the owner or his agent to the last address provided to the City, may

be removed from the plot or plots and retained in the custody of the Public Works Manager until the person responsible for its maintenance has made arrangements to return it to a suitable condition.

8.7.7 All monuments must be of granite, marble or bronze.

8.8. Delegation of Authority:

8.8.1. The Public Works Manager may delegate their authority to carry out the functions and duties as specified in section 8, to an outside agency, in accordance with the agreements of the City of Wetaskiwin.

9. PERPETUAL CARE

9.1. The Perpetual Care fee must be included in the purchase price of a burial plot.

9.2. Perpetual Care fee will be charged for each cremains being placed in an already occupied plot and to be paid at the time of opening and closing.

9.3. The Wetaskiwin Cemetery Perpetual Care Trust Fund shall be established for the future care of the cemetery once the City establishes that the cemetery is full as determined by City Council.

9.4. Interest from the Perpetual Care Fund shall be spent on maintenance of the grounds, buildings, fences, vegetation, and may be used to replace vandalized monuments with a flat monument of granite, not exceeding 1 foot x 2 feet (.3m x .6m), that states name and dates if family cannot be contacted at the last known family member address.

9.5. Tax deductible donations will be accepted and held in the Wetaskiwin Cemetery Perpetual Care Trust Fund.

9.6. When plots are sold, reverted or given back to the Wetaskiwin Cemetery, the perpetual care fee shall not be refunded.



10. FEES

10.1. See Master Rates Bylaw.

11. REPEAL

11.1 Bylaw #1883-17 and its amendments are hereby repealed, and this bylaw will come into full force and effect after third reading and on the date of signing.

READ a first time this 14th day of December, 2020.

READ a second time this 25th day of January, 2021.

READ a third time this 25th day of January, 2021.

ORIGINAL SIGNED

TYLER GANDAM, MAYOR

ORIGINAL SIGNED

SUE HOWARD, CITY MANAGER