

**BYLAW 854-R-06-22
TOWN OF COALDALE
PROVINCE OF ALBERTA**

**BEING A BYLAW OF THE TOWN OF COALDALE
TO PROVIDE FOR THE MAINTENANCE, MANAGEMENT, CONTROL AND
OPERATION OF A COMMUNITY CEMETERY**

WHEREAS Section 3 of the *Cemeteries Act*, RSA 2000, c. C-3, as amended, provides that a municipality may establish a Cemetery.

NOW THEREFORE The Council of the Town of Coaldale duly assembled, enacts as follows:

TITLE AND DEFINITIONS

- (1) This bylaw may be cited as the "Cemetery Bylaw".
- (2) In this bylaw:
 - (a) **Act** - means *Cemeteries Act*, RSA 2000, c. C-3, as amended.
 - (b) **Administrator** - means the Director of Operational Services or his designate.
 - (c) **CAO** - means the person appointed to the position of Chief Administrative Officer by the Municipal Council of the Town of Coaldale.
 - (d) **Caretaker** - means the person placed in charge of maintenance of the Cemetery.
 - (e) **Cemetery** - means the land identified in section 3 of this bylaw that is known as the Coaldale Community Cemetery and is set apart or used as a place for the burial of dead human bodies or other human remains.
 - (f) **Cremaains** - means ashes or remains from a cremated body.
 - (g) **Designate** - means a Town employee designated by the CAO.
 - (h) **Infant** - means any person under the age of two (2) years of age.
 - (i) **Interment** - means in a manner prescribed by the Act and this bylaw, placing dead human remains or ashes in a suitable container underground in the Cemetery.
 - (j) **Interment Rights** - means any purchased right to Lot or Plot and any associated right to have the Town open, prepare and close a Lot or Plot for Interment purposes or prepare a Lot or Plot for Disinterment.
 - (k) **Lot** - means a single grave site, typically 1.83m x 1.22m (6 ft. by 4 ft.) in size.

- (l) **Monument** - means any structure constructed and placed on a Lot or Plot for memorial purposes.
- (m) **Manager** - means the Operations Supervisor or Public Works Manager or his designate.
- (n) **Plot** - means a single cremains site, typically 0.91m x 0.61m (3 ft. by 2 ft.) in size.
- (o) **Town** - means the Municipal Corporation of the Town of Coaldale.

DESCRIPTION OF LAND

3. The following land is hereby established and set apart for the sole purpose of a community Cemetery to be known as the Coaldale Community Cemetery:

The northerly fifty-three and forty-five hundredths (53.45) metres (175.36 ft) in perpendicular width throughout of Block nine (9) containing .73 of a hectare (1.8 acres) more or less, Plan 1060LK, (Town of Coaldale).

CONTROL

4. The Manager shall have general control over the operation of the Cemetery and in exercising such control shall subdivide parts of the Cemetery into Lots and Plots for Interment purposes and subject to this bylaw and the Act, direct the manner in which Interment shall proceed.
5. Without limiting the generality of section 4 of this bylaw, the Manager has the authority to take any steps that are required to ensure that all burials within the Cemetery are conducted in a decent manner.
6. The Administrator shall maintain all records, plans and documents relating to the Cemetery.
7. The Caretaker shall be responsible for all maintenance and repair of the Cemetery, including any improvements thereon.

RECORDS

8. The Administrator shall sell or assign burial rights for Interment purposes in Lots and Plots within the Cemetery and shall receive and account for all payments derived therefrom and shall enter all particulars of such sales in books kept only for such purpose and shall keep a record of the name or names of any person or persons buried in any Lot or Plot, together with the date of any such burial.
9. The Administrator shall issue to each purchaser of burial rights for Interment purposes in any Lot or Plot, a Certificate of Purchase in the form set out in **Schedule "A"** attached to this bylaw and the Administrator shall collect any fees for the opening and closing of a Lot or Plot for Interment purposes, and other works as provided for in this bylaw.

SALES AND RATES FOR BURIAL

10. Council for the Town shall, from time to time, set the fees for all Lots and Plots and the charges to be levied for the opening and closing of a Lot or Plot for Interment purposes in the **Fees and Rates Bylaw**.
11. All applications for the purchase of burial rights for Interment purposes in Lots and Plots in the Cemetery shall be made to the Administrator in the form attached as **Schedule "A"** to this bylaw.
12. The sale of burial rights for Interment purposes in Lots and Plots in the Cemetery shall be conditional upon payment in advance by the purchaser of the fees and charges set forth in the **Fees and Rates Bylaw**.
13. The purchaser of any burial rights for Interment purposes in a Lot or Plot in the Cemetery may not transfer, sell, assign or dispose of said Lot or Plot to any other person unless approved, in advance and in writing, by the Administrator.
14. A surcharge as set forth in the **Fees and Rates Bylaw** shall apply to all burials performed on a Saturday, Sunday, Statutory or declared Holiday.
15. Summer rates as set forth in **Fees and Rates Bylaw** shall be in effect from May 1 to October 31, inclusive, and winter rates as set forth in **Fees and Rates Bylaw** shall be in effect from November 1 to April 30, inclusive.
16. It is a condition of every sale of burial rights for Interment purposes in the Cemetery that the purchaser expressly waives any claim arising by reason of any error in the location or description of any Lot or Plot. The Town undertakes that it will attempt insofar as is reasonably possible to avoid such errors but its liability shall only extend to refund in case of error of any money paid to the Town for a Lot or Plot and it undertakes to make an equivalent quality Lot or Plot available in lieu of that originally allocated.

INTERMENT APPLICATION AND PERMITS

17. All applications for Interment Rights shall be made to the Administrator in the form attached as **Schedule "B"** to this bylaw.
18. Applications for Interment Rights shall be submitted:
 - (a) At least forty-eight (48) hours (2 working days) prior to the time established for burial between May 1 and October 31, inclusive; and
 - (b) At least ninety-six (96) hours (4 working days) prior to the time established for burial between November 1 and April 30, inclusive.
19. For the purposes of this bylaw, a working day means any day Monday through Friday, except where a statutory holiday or civic holiday falls on any one of those days.

20. No Interment shall be permitted in the Cemetery on a statutory holiday or civic holiday without a Special Burial permit issued by the Manager in the form attached as **Schedule "C"** to this bylaw.
21. A Special Burial permit shall not be issued unless the deceased died from a contagious disease or circumstances exist which, in the opinion of the Administrator, justifies and necessitates Interment on a statutory holiday or civic holiday.
22. No Lot or Plot shall be opened for the purpose of Interment or disinterment by any person other than employees of the Town and in all cases requests for the opening of a Lot or Plot for the purpose of Interment or disinterment shall be accompanied by such forms, permits and receipts as are required by the Town of Coaldale and under the laws of the Province of Alberta.

MONUMENTS

23. The Town shall approve the placing, location and orientation of Monuments within a Lot or Plot prior to installation.
24. Monuments should be designed with reference to the surroundings, with consideration being given to the number, size and character of Monuments near at hand. A duplicate of a nearby design is not desirable. Consideration should be given to the fact that a small Monument of good design and finish is preferable to a larger one of similar cost but of inferior design and finish.
25. Monuments must be made of commercial-grade granite, marble, limestone or bronze. No fixtures of any type such as pictures or ornaments made of breakable materials may be attached or affixed in any manner whatsoever to any part of a Monument.
26. No Monument in the Cemetery shall exceed the height shown in **Schedule "D"** attached to this bylaw.
27. A flat marker means a plaque constructed of approved granite, marble or bronze inscribed mounted flat upon a cement foundation set flush with the ground with such lettering as may be desired by the owner of the Interment Rights and approved by the Manager.
28. Vases are permitted in the Cemetery provided they are not made of glass, pottery or other brittle material and that they conform to the following specifications:
 - (a) Vases must be placed so that there is a concrete or metal pad at least 12.7cm (5") wide between any part of the vase and the edge of the turf. This 12.7cm (5") clearance must extend vertically. The edge of the vase retaining ring should be of a minimum of 5.1cm (2") from the edge of the turf.
 - (b) Vases must be such that they can be recessed flush with the surface of a flat marker section or with the base in monument sections.

- (c) Vases must be of a permanent finish that will not wear, chip or deteriorate under normal Cemetery conditions.
 - (d) In Sections 'C' or 'B' of the Cemetery, there shall be no vases, monuments, or flat markers attached to the ribbon strips. Vases in Sections 'C' or 'B' of the Cemetery shall only be attached to the monument flat marker.
29. Artificial flowers are permitted in the Cemetery provided they conform with the following specifications:
- (a) No person shall place artificial flowers on any lot in:
 - i. Sections "A" or "B" of the Cemetery from May 1 to October 31, inclusive; and
 - ii. Sections 'C' and Reserve Section 'A' of the Cemetery at any time of the year
 - (b) The Town shall have full authority to remove any artificial flowers from any lot in the Cemetery during the period referred to in Paragraph ~. In order to retain such arrangements, they must be removed prior to May 1st of each year.

ENDOWMENT

- 30. "Endowment" to be supplied by the Town means and includes seeding of lots and grave surfaces and re-seeding when necessary and such cultivation as may be necessary in connection with such seeding and re-seeding, watering, seasonal cutting of grass and weeds and keeping lots in neat condition and of good appearance and such other Cemetery work as may be authorized by the CAO.
- 31. Endowment shall not include the care, maintenance, upkeep, repair or replacement of any monument or plaque which has been placed in the Cemetery.

CREMATION & REMAINS

- 32. Up to three Cremains may be interred in the same Lot with one body, however, no body shall be buried in a Lot where cremated remains have previously been interred.
- 33. Interment of Cremains shall be in accordance with Provincial Regulations and the provisions of this bylaw as Schedule "F" attached to this bylaw, which may be amended from time to time by resolution of Council.
- 34. A maximum number of three (3) Cremations may be interred in one (1) full-sized Lot.
- 35. Columbarium cremations shall be in accordance with Provincial Regulations and provisions of this bylaw. The Town shall be informed by the Funeral Home the name of the deceased and date of Interment.

RESERVE SECTION B “COUPLES”

36. Reserve Section “B” of the Cemetery contains only those Lot and Plots shown on **Schedule “F”** to this bylaw.
37. Lots and Plots in Reserve Section “B” of the Cemetery shall be sold in pairs only. The cost of Lots and Plots is set out in **the Fees and Rates Bylaw**.
38. Lots and Plots in Reserve Section “B” of the Cemetery can only be purchased after the death of a spouse or adult interdependent partner, unless otherwise approved by the Administrator due to the passing of a close family member that is buried as close as possible to the requested reserved section.
39. **Schedule “F”** to this bylaw shows which Lots and Plots in Reserve Section “B” of the Cemetery. The reserved west block section shall be sold starting with the Lots and Plots farthest west and progressing east. The east reserved sections are full and will not continue in that sequence. The Green plots are an access to all lots within the cemetery to enable excavation of plots.

MISCELLANEOUS

40. No person shall operate a vehicle within the Cemetery at a speed greater than 15 kilometres per hour or anywhere other than on driveways intended for vehicular travel.
41. No person shall, at any time, bring into the Cemetery any off-road vehicle, bicycle, tricycle, skateboard or roller blades or ride upon any off-road vehicle, bicycle, tricycle, skateboard or roller blades within the Cemetery.
42. No person shall bring into the Cemetery an animal other than a service animal, except if the animal remains in the vehicle.
43. The Manager shall have the authority to prohibit the entrance of vehicles into the Cemetery when roads are deemed to be, in his sole discretion, unfit for travel.
44. No trees, plants, shrubs, flowers or any other thing intended for growth shall be planted, seeded or grown on any Lot or Plot in the Cemetery unless permission for the same is first obtained from the Manager.
45. No picnic or other parties or gatherings, except for funerals or some other ceremony or observance approved by the Manager, shall be permitted in the Cemetery and no person, without the permission of the Manager, shall be or remain within the Cemetery during the hours of darkness in any day.
46. No more than one body shall be buried in a single grave except a parent and his/her infant child when both are in the same casket or coffin.
47. No person shall bury a human body within the limits of the Town except in a public Cemetery designated by this bylaw and in accordance with the provisions of this bylaw.

48. No Interments will be permitted unless a permanent concrete vault is first placed in the grave.
49. No double depth Interments will be permitted.
50. The Town does not insure Lots, Plots or Monuments from damage or vandalism. A purchaser of a Lot or Plot or Interment Rights may be permitted to Lots, Plots or Monuments under their personal household insurance policies.
51. Interment services shall be primarily conducted between the hours of 8:00 a.m. and 3:30 p.m., Monday to Friday, inclusive. If the Interment service is required after 3:30 p.m. the "Late funeral surcharge" shall apply as per the **Fees and Rates Bylaw**.
52. Lots and Plots shall be opened and closed only by persons employed by the Town of Coaldale and no person who is not under the control or an employee of the Town shall open or close any Lot or Plot for the purpose of interring or disintering a body.
53. The Town may, from time to time, make rules with respect to the operation and maintenance of the Cemetery including with respect to Interments within the Cemetery. No persons shall contravene or act contrary to such rules as established by the Town from time to time.
54. No person shall interfere with the Administrator, Manager or Caretaker, or any other representative of the Town, when he is performing or carrying out any duties or responsibilities imposed by this bylaw or the Act including any rules established by the Town with respect to the operation and maintenance of the Cemetery as referred to in section 53 of this bylaw.
55. The Town, its officers, employees, servants, contractors, agents and elected officials shall not be liable for any injury to any person or property, including but not limited to Monuments, memorial tributes or flower arrangements, in the Cemetery for any cause whatsoever except any loss or damage directly caused by the sole negligence of the Town, its officers, employees, servants, contractors, agents or elected officials.
56. Without limiting the generality of section 55 of this bylaw, the liability of the Town, its officers, employees, servants, contractors, agents, and elected officials for any claims, actions, causes of actions, damages, costs (including solicitor and client costs), or expenses arising whatsoever from or in relation to any error or inaccurate description of any Lots, Plots, graves or other structures or Interment Rights shall be limited to the fees paid to the Town.

CARE OF PLOTS

57. The Town is the sole provider of repair and maintenance services to the Cemetery.
58. Unless otherwise specified in this bylaw, no person shall place or erect any object in any part of the Cemetery, with the exception of temporary memorial funeral designs or floral arrangements, without the prior approval of the Administrator.

59. The Town's Cemetery employees shall have the authority to remove all the floral designs, flowers, weeds, trees, shrubs, plants or herbage of any kind from the Cemetery as soon as they become unsightly, dangerous, detrimental or diseased.
60. The Town shall undertake to maintain, as far as practicable, the planting of trees and shrubs to preserve and maintain landscape features.
61. The Town will remove all flowers, funeral designs or floral pieces from Lots and Plots thirty (30) days after the Interment or earlier should they become unsightly or interfere with regular maintenance.

PENALTIES

62. Any person who:
 - (a) contravenes a provision of this bylaw;
 - (b) wilfully destroys, mutilates, defaces, damages or removes any Monument, plaque, memorial or any other structure placed in the Cemetery or any railing or other work installed for the protection or ornamentation of the Cemetery or a Lot or Plot;
 - (c) wilfully destroys, cuts, breaks, or damages any tree, shrub or plant in the Cemetery; or
 - (d) discharges firearms or commits a nuisance in the Cemetery;shall be guilty of an offence and on summary conviction be liable to a fine not exceeding \$10,000 or imprisonment for one year, or both.
63. In the case of an offence that is of a continuing nature, each contravention of a provision of this bylaw constitutes a separate offence with respect to each day during which the contravention continues.
64. A Peace Officer is hereby authorized and empowered to issue a Violation Ticket, pursuant to either Part II or III of the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34, as amended, to any person who the designated officer has reasonable grounds to believe has contravened any provision of this bylaw and is guilty of an offence.

- 65. Cemetery Bylaw 798-R-01-21 is hereby rescinded.
- 66. This bylaw shall come into force on the day of final passing thereof.

READ a FIRST time this 13th day of June, 2022, for Cemetery Bylaw 854-R-06-22.

Mayor – Jack Van Rijn
Motion: 220-2022

CAO – Kalen Hastings

READ a SECOND time this 13th day of June, 2022, for Cemetery Bylaw 854-R-06-22.

Mayor – Jack Van Rijn
Motion: 221-2022

CAO – Kalen Hastings

UNANIMOUS CONSENT to hold all three readings in the same meeting for Cemetery Bylaw 854-R-06-22.

Mayor – Jack Van Rijn
Motion: 222-2022

CAO – Kalen Hastings

READ a THIRD and FINAL time this 13th day of June, 2022, for Cemetery Bylaw 854-R-06-22.

Mayor – Jack Van Rijn
Motion: 223-2022

CAO – Kalen Hastings

SCHEDULE "A"
CERTIFICATE OF BURIAL RIGHTS
TOWN OF COALDALE
COALDALE COMMUNITY CEMETERY

THIS IS TO CERTIFY that the Town of Coaldale has sold to:

_____ of

_____ in the Province of Alberta,
 the

Burial Rights in Grave _____

Block _____ Lot _____ at and for the price of \$_____.

payable in cash which said Burial Rights are sold and to be held subject to all Bylaws and Regulations of the Town of Coaldale, now existing or hereafter passed or prescribed for the improvement, maintenance, management, control or operation of its Cemetery.

DATED at Coaldale, Alberta this _____ day of _____ A.D. 20_____

THE TOWN OF COALDALE

By _____
 Town Representative

BLOCK _____ PLOT _____ \$ _____

PLOT _____ \$ _____

OPEN & CLOSE PLOT \$ _____

ENDOWMENT \$ _____

TOTAL \$ _____

GST \$ _____

TOTAL \$ _____

SCHEDULE "B"
TOWN OF COALDALE
APPLICATION FOR INTERMENT

DATE: _____, 20____ **App. No.** _____

PERMISSION IS HEREBY REQUESTED BY:

_____ for the interment of:

Name _____ of _____ Deceased

Late Address _____

Age _____ Date of Birth _____

Place of Birth _____ Sex _____

Married _____ Single _____

Lot _____ Block _____

Date of Death _____

Place of Death _____

Proposed Date of Burial _____

Proposed Time of Burial _____

Name of Undertaker _____

Signature of Applicant _____

Note: The Town does not insure Monuments, gravesites or headstones from damage or vandalism. An Applicant may be permitted to include Monuments, gravesites and headstones under their personnel household insurance policies. That is your responsibility.

SCHEDULE "C"

**TOWN OF COALDALE
PERMIT FOR STATUTORY HOLIDAY BURIAL**

DATE: _____, 20_____

This request is for obtaining a permit to bury on a Statutory Holiday,
after receiving this request the Administrator will either approve or deny
the request and you will be notified.

I, _____, do hereby request interment
of _____ on the following date
_____, 20_____.

Location of interment is Section _____ and Plot

FOR OFFICE USE ONLY

____ **APPROVED**

____ **DENIED**

ADMINISTRATOR SIGNATURE

SCHEDULE "D"

MAXIMUM MONUMENT DIMENSIONS

BLOCK C & B - RESERVE SECTION

- Maximum Height - 350mm (14") Pillow Type
- Maximum Width - 1,500mm (60")
- Depth 61mm (24")

A larger headstone (Maximum Height of 1,075 mm (42") and Maximum Width of 1,500 mm (60")) may be placed with a permit and surcharge as per the Fees and Rates Bylaw.

BLOCK A & B - ALL OTHER SECTIONS

- Maximum Height 1,075 mm (42")
- Maximum Width 1,500 mm (60")

SCHEDULE "E"

INTERMENT OF CREMATED REMAINS

- (1) Interment of cremated remains shall be completed only by the Town of Coaldale.
- (2) All cremated remains shall be interred at a minimum depth of 0.91m (3') and a minimum distance of 0.31m (1') from the sides of the grave plot in width and 0.91m (3') from the head and 0.31m (1') of the grave plot if such interment takes place in the areas of the Cemetery not designated solely for cremation and/or infant/limb interments (burials).
- (3) Placement of markers in the cremation section will be as per Section ~ of the Cemetery Bylaw.

SCHEDULE "F"
RESERVE SECTION "B" COUPLES

