

**CITY OF LACOMBE
BYLAW 356**

Consolidated May 14, 2012

A Bylaw of the City of Lacombe, in the Province of Alberta, to Regulate and Control Cemeteries Operated and Maintained by the City of Lacombe.

WHEREAS it is deemed necessary to provide and update regulations and controls for the operation of the cemeteries operated and maintained by the City of Lacombe; and

WHEREAS the Cemeteries Act, R.S.A. 2000, Chapter C-3 (the "Act", authorizes Council to set regulations governing cemeteries; and

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CITY OF LACOMBE DULY ASSEMBLED ENACTS AS FOLLOWS:

SECTION I – SHORT TITLE

1. The bylaw shall be referred to as to the "Cemetery Bylaw."

SECTION II - DEFINITIONS

1. In this Bylaw, unless the context otherwise requires:
 - a. "Burial" means the interment of human remains or cremated human remains in a grave.
 - b. "Cemetery" means cemeteries in the City of Lacombe owned and operated in accordance with the Act by and under the control of the City.
 - c. "Chief Administrative Officer" means the Chief Administrative Officer (CAO) of the City of Lacombe.
 - d. "City" means the City of Lacombe or the Municipality of the City of Lacombe as the case may be or as the context requires. (b. 356.1 04/23/12)
 - e. "Columbarium" means a structure designed for storing the ashes of dead human bodies or other human remains that have been cremated. (b. 356.1 04/23/12)
 - f. "Concrete liner" means an unsealed outer burial receptacle, commonly referred to as a burial vault, grave liner or grave box, placed in the grave to house a casket and that is capable of withstanding the weight and pressures of the earth above and surrounding the receptacle.
 - g. "Continuous Monument Runner" means an uninterrupted length of concrete on which monuments may be placed.
 - h. "Council" means the Municipal Council of the City of Lacombe
 - i. "County Resident" means a person who immediately prior to his or her death; or at the time an application to purchase a plot was made, resided in and paid or pays land taxes to the County of Lacombe. (b. 356.1 04/23/12)
 - j. "Cremation Plot" means a grave 4 feet x 5 feet (1.22m x 1.52m) or 6 feet x 5 feet (1.83m x 1.52m) (b. 356.1 04/23/12)
 - k. "Deed" means the application for a Plot deed or Niche deed
 - l. "Designate" means any person employed by the City and authorized by the CAO to carry out the duties of the CAO as outlined in this bylaw.
 - m. "Disinterment" means the removal and relocation of human remains

- n. "Employee" means an employee of the City.
- o. Fairview Cemetery East – means the expansion site of the cemetery known as Lot 9, Block 1, Plan 102-5661 located east of Fairview Cemetery West. (b. 356.1 04/23/12)
- p. Fairview Cemetery West – means the original cemetery known as Lot 8, Block 1 Plan 002-4521. (b. 356.1 04/23/12)
- q. "Grave" means a plot that has been opened or used as a place of burial; an opening dug in a burial plot for the purpose of the interment of human remains or cremated human remains.
- r. "Grave Cover" means a structure of marble, granite, plastic, fibreglass, or similar material for memorial purposes placed on top of and covering the entire plot.
- s. "Interment" means the burial of human remains or cremated remains in a grave, the entombment of human remains in a crypt, or the placing of cremated remains in a niche;
- t. "Lot" means a subdivision within a block of a legal land description
- u. "Municipal Ticket" means a form prescribed by the chief administrative officer of the City or designate allowing for voluntary payment to the City for a fine amount established by this bylaw; (b. 356.1 04/23/12)
- v. "Monument" means anything that is called a headstone, tombstone, upright or vertical monument, a pillow marker, or flat marker that is made of commercial grade granite, marble, fieldstone or bronze. supported by a concrete monument base which is somewhat lower but level with the surrounding ground. (b. 356.1 04/23/12)
 - i. "foundation" means a concrete slab of specific proportion for the placement of a monument
 - ii. "base" refers to an optional bottom portion of a monument that rests between the monument and the foundation, and is made of granite or marble.
 - iii. "flat monument" means a monument of approved stone whose surface shall be flush with the surrounding ground contour of that particular plot.
- w. "Niche" means a single compartment of a columbarium large enough to house one or two funeral urns.
- x. "Non-Resident" means a person who immediately prior to his or her death did not live within the City of Lacombe, or at the time an application to purchase a plot was made, did not reside in or was not paying or had not paid taxes to the County of Lacombe. (b. 356.1 04/23/12)
- y. "Owner" means the name that appears on the deed to the plot or plots or compartment or compartments of a Columbarium in the Cemetery.
- z. "Perpetual Care" means the ongoing upkeep of a cemetery including the care and repair of monument runners and City owned columbarium, but excludes private monuments, concrete liners and columbarium plaques
- aa. "Perpetual Care Trust Fund" means a specially designated account of the City of Lacombe to collect fees from the sale of plots designated for the funding of perpetual care.
- bb. Plot means a grave 4 feet x 12 feet (1.22m x 3.66m)

- cc. "Policy" means the Cemetery Administration & Rate Policy as approved by Council.
- dd. "Purchaser" means the person who pays for the plot or plots or compartment or compartments of a Columbarium in the Cemetery.
- ee. "Reserve Plot" means a plot or a number of plots which lie adjacent to one another and which are to be reserved for the burial of more than one deceased member of a family.
- ff. "Resident" means a person:
- i. who immediately prior to his or her death; or
 - ii. at the time an application to purchase a plot was made resided in the City.
- gg. "Vegetation" means, trees, shrubs, creepers, climbers, flowers, perennials, biennials or other growing or flowering matter. (b. 356.1 04/23/12)
- hh. "Veteran" means a person as defined in by Veterans Affairs Canada and the Department of National Defence.
- ii. "Violation Ticket" means a violation ticket as defined in the Provincial Offences Procedure Act, R.S.A. 2000, c. P-34.
- jj. "Working Hours" means regular hours of work, defined as 7:00 a.m. to 4:00 p.m. Monday through Friday, excluding Civic or Statutory Holidays.

SECTION III - DESCRIPTION OF LAND

1. The following land is hereby established and set apart for the sole purpose of a public cemetery to be known as the Fairview Cemetery:
 - a. Lot 8, Block 1, Plan 002-4531 containing 17.77 acres more or less; and
 - b. Lot 9, Block 1, Plan 102-5661 containing 20 acres more or less (b. 356.1 04/23/12)
2. In addition to the lands described above, the City may, from time to time, designate certain other lands, whether adjoining or abutting the said lands, for Cemetery purposes and these lands shall be regulated and controlled in accordance with this Bylaw

SECTION IV - DUTIES, RIGHTS AND POWERS OF THE CHIEF ADMINISTRATIVE OFFICER

1. The City shall take all reasonable precautions to protect the property rights of the owners within the Cemetery from loss or damage; but the City distinctly disclaims all responsibility or liability for loss or damage from causes beyond its control and especially from damage caused by elements, of an act of God, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections riots, or an act of war.
2. The CAO may delegate any or all powers of this Bylaw to a Designate.
3. The CAO shall have charge of the Cemetery and shall exercise control over all employees employed therein.
4. It shall be the duty of the CAO to have plots and/or niches available for the burial of human remains at all times.
5. The CAO shall determine the procedures respecting the sale of plots and columbarium niches and the location and extent of all plots and columbarium niches offered for sale or sold to the public.

6. Council shall, by policy, establish the rates to be charged for the sale of plots and columbarium niches, perpetual care rates as well as all services provided in relation to interment and disinterment.
7. The CAO shall have the right to have removed, any existing or new fences, borders, railings, walls hedges, copings and other enclosures as he may deem advisable after 30 days notice of his intention to do so has been given to the owner of the plot, or to his relatives if the owner is deceased, or published in a newspaper circulated in the City, if the relatives are unknown.
8. The CAO shall have authority to have removed any weeds or grass, funeral designs or floral pieces which may become wilted or any other article or thing which is deemed unsightly.
9. If, in the opinion of the CAO, any vegetation situated on or about the cemetery shall become by means of their roots or branches or in any other way detrimental to adjacent plots, walks or driveways, prejudicial to the general appearance to the grounds or dangerous or inconvenient to the public, the CAO shall have the right to remove such vegetation, or any parts thereof. (b. 356.1 04/23/12)
10. All grading, seeding of grass, and sod work shall be done under the direction of the CAO.
11. Benches of a style approved by the CAO may be permitted in the Cemeteries under such conditions as the CAO may order.

SECTION V - PLOTS AND NICHES

1. The CAO shall be responsible for the sale of Plots and Niches, keeping of necessary records which shall include the location, the name of the proprietor of each Plot or Niche, the name and location of each and every interment and disinterment and for collection of fees and charges in connection with the Cemetery.
2. The Plot Deed will be retained in City Hall. (b. 356.1 04/23/12)
3. The plans of subdivision of the lands made available by the City for burial purposes now on record in the office of the CAO, together with all subsequent plans of subdivision of such lands approved by the Council of the City of Lacombe, shall be the plans of the cemetery herein referred to and all interments shall be made and records kept by the CAO in accordance with such plans. Copies of all such plans shall be available for inspection free of charge at City Hall during normal office hours. (b. 356.1 04/23/12)
4. The City shall not be liable for damages to the contents of niches whether resulting from theft, vandalism or other damage howsoever caused.
5. The CAO shall, upon payment by any person to the CAO of the full price of any plot or niche, furnish such person with a receipt for the sum paid and a transfer of such plot to such person or to such other person as such person may appoint.
6. The fees for the purchase, opening and closing of plots and niches shall be in accordance with the rates set outand, which may be amended by resolution of Council from time to time.
7. Plots and niches in the cemetery shall be sold by the City upon the purchaser paying in advance the amounts set from time to time by resolution of the Council of the City of Lacombe.
8. No person shall accept any fee or reward for the interment of any body in a plot or niche of which such person is the owner, or over which he exercises any power of control.
9. No plot shall be used for any purpose other than burial grounds for human bodies and the cremated remains of human bodies.

10. Posts to mark the limits of the plots shall be permitted, provided that they are placed within the limits of the plots and are level with and not projecting above the ground.
11. The top of plots or graves shall be kept level with the surrounding ground.

SECTION VI – BURIALS

1. The CAO shall have the authority over all matters relating to burials with the exception of disinterment. Disinterment of a body shall not take place until a permit for disinterment is issued by the Provincial Director of Vital Statistics. The CAO may establish any procedures relating to Burials in the cemetery subject to the provisions of the Act.
2. Disinterment privileges will be allowed for burials which occurred within the fifteen (15) years immediately prior to the disinterment request.
3. Disinterment privileges could be granted for those burials which occurred prior to the fifteen (15) years preceding the request provided a concrete outer case had been used for the burial and that documented proof of this fact is presented.
4. No burial shall be permitted in the cemetery unless a proper burial permit is produced by the party applying for burial. All applications for burials shall be made to the CAO's office in a timely manner as specified in the Burial Policy.
5. All caskets must be placed inside a concrete liner.
6. It is a condition of sale of every burial plot and columbarium niche 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 error. The City's liability shall only extend to a refund of any money paid to the City for a plot(s) and/or niche(s) providing that the plot(s) and/or niche(s) suggested as an alternative is/are not acceptable to the purchaser.
7. Notwithstanding any other provisions of this Bylaw, orders for Sunday or holiday burials must be placed with the CAO's office at least 48 consecutive hours before the burial is to take place, unless the CAO for emergent reasons otherwise allows.
8. Overtime charges will be incurred for opening and closing of graves after normal working hours Monday through Friday, and all day on Saturdays, Sundays and holidays not listed in #9.
9. No interment services will be held on Christmas Day, Boxing Day, Good Friday, Easter Monday, Labour Day and Remembrance Day.
10. The owner of a plot or the person instructing the City to open a grave shall give complete and precise instructions regarding the size and location of the grave, and the City shall not be responsible for any errors resulting from the lack of proper instruction.
11. Concrete liners for coffins or caskets shall be at the cemetery at least two (2) hours before the time set for interment.
12. The City may designate plots in the Cemetery for the burial of cremated remains of human bodies.
13. The City shall furnish graves in the Cemetery, for the unclaimed bodies of deceased persons and bodies of indigent persons in accordance with section 12 of the Act.
14. All work in the immediate vicinity of a grave shall be discontinued during the burial service.

15. All burials within the limits of the cemetery shall be under the supervision and control of the CAO.
16. Interment will not be permitted in Cemetery Sections A, B, C, D, E and F where written records are insufficiently accurate to confirm either ownership or occupancy.

SECTION VII - MONUMENTS

1. The CAO reserves the right to approve the design of any monument, vault or other structure before it is erected in a cemetery. The CAO may establish procedures related to the size, material and construction of monuments permitted in the cemetery.
2. 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.
3. All persons employed in the construction and erection of monuments or doing other work in the Cemetery, whether employed by the City or not, shall be subject to the direction and control of the CAO.
4. All requests for the erection of a monument, including a description of the monument, must be submitted to the CAO or Designate for approval and the issuance of a permit prior to the erection of the said monument. Prior to the issuing of a permit the CAO shall ensure that all regulations contained in the Policy have been conformed to. Prior to issuing a permit for erection of a monument the CAO shall ensure that a member of the Public Works staff is available to stake the said location.
5. All persons erecting monuments shall ensure that the surrounding areas are left in the same condition as found.
6. No work shall be done upon any monument, nor shall any monument be removed from any grave or plot without permission from the CAO.
7. Grave covers over graves are prohibited in all areas of the cemetery. Existing grave covers shall remain but can not be replaced.
8. No monuments shall be erected from November 1st until the end of April.
9. The CAO may designate certain sections of the Cemetery where monument foundations will be installed in advance of interment, in which case a surcharge may be added on to the sale price of the plot to recover the costs of installation.
10. The City may remove and dispose of any monument or memorial structure placed in the Cemetery if such would fall into disrepair and/or become unsightly. The City will forward written notification prior to undertaking this action to the last known address of the Owner of the plot. (b. 356.1 04/23/12)
11. Whenever the owner of a monument neglects to make the required repairs or alterations to a monument within 30 days after receiving notice from the CAO to do so, the CAO shall have the power to repair or remove such monument and charge the cost thereof to the owner or heirs, which may be recovered as a debt from the owner to the City. In the event that no heirs to the owner exist or are living, to pay the debt, the monument shall be removed and disposed of. (b. 356.1 04/23/12)

SECTION VIII – PERPETUAL CARE

1. A perpetual care fee will be collected at the time of purchase of all burial plots, cremation plots and columbarium niches. (b. 356.1 04/23/12)

2. Interest from the Perpetual Care Trust Fund shall be used for maintenance of the cemetery as determined by the City. (b. 356.1 04/23/12)
3. Perpetual Care to be supplied by the City shall not include the care, maintenance, upkeep, repair or replacement of any monument or marker that has been placed in the cemetery.
4. Tax deductible donations will be accepted and held in the City of Lacombe Fairview Cemetery Perpetual Care Trust Fund.
5. When plots or niches are sold back to the city, the perpetual care fee shall be refunded at 85% of the current price.

SECTION IX - GRAVE DECORATION

1. A grave decoration is anything that is placed on a grave, or columbarium. (see Grave Decoration Policy) These decorations must meet certain conditions imposed by the City as follows:
 - a. Flowers must be placed in a vase that is already part of the monument;
 - b. The grave decorations must not include any of the following items: lawn ornaments, wooden, glass, china, plastic, or metal receptacles, other than those used on a wreath stand.
 - c. No vegetation may be planted at the gravesite. (b. 356.1 04/23/12)
 - d. Flowers and other funeral designs or floral pieces may be placed only at the base of the grave or columbarium for a period of 7 days after interment, after which time they may be removed by a City employee.
 - e. Affixing floral pieces or any items to a niche is prohibited.

SECTION X - VISITORS

1. No person other than an employee under the direction of the City shall enter or remain in the Cemetery between the hours of 9:00 o'clock in the evening of any day and 7:00 o'clock in the morning of the next day.

SECTION XI - VEHICLES IN THE CEMETERY

1. All vehicular traffic shall travel at speeds no greater than 20 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.
2. The CAO may prohibit the driving of vehicles in any part of a cemetery.
3. The CAO may prohibit the driving of any vehicle in the cemetery when the roads are in an unfit condition.
4. The owner of any moving vehicle shall be responsible for any damage done by such vehicle within the boundaries of the Cemetery.
5. Unless authorized by the CAO, no bicycle, motorcycle or horse shall be allowed in the Cemetery except when it is a part of a funeral procession.

SECTION XII - FIELD OF HONOR

1. The City shall set aside in the Cemetery and maintain an area which shall be known as the "Field of Honor" or "The Last Post", which shall be reserved for burial of veterans of the Canadian Forces and their spouses as defined by Veterans Affairs Canada and the Department of National Defence

2. In the case of burials of spouses of Veterans in the "Field of Honor" or "The Last Post", the party requesting such a burial shall be required to pay the usual fees for opening and closing, and the usual fees for the purchase of a plot. Under no circumstances may the spouse be buried prior to the veteran, unless the spouse is a veteran.
3. Plots for Veterans will be sold at half the price of a regular plot.

SECTION XIII – MISCELLANEOUS PROVISIONS

1. No person shall disturb the quiet and good order of a cemetery by noise or any other improper conduct.
2. No person shall wilfully and unlawfully disturb persons assembled for the purpose of burying a body in the cemetery.
3. No picnics, parties, or gatherings are permitted. Funerals or a ceremony of observance or remembrance shall be permitted in the cemetery.
4. No person shall solicit business or distribute business cards or place an advertising trademark on any monument or anything within the cemetery boundaries.
5. No person shall deposit any paper, sticks, or refuse of any kind on any portion of the lands within the boundaries of the Cemetery except in receptacles provided for that purpose.
6. No person shall commit any wilful damage to the Cemetery's landscape, or any monument, tablet, building or other structure in the Cemetery or any fence, railing or other work for protection or ornament of the cemetery.
7. No person shall wilfully destroy, cut, break or injure any tree, shrub, flowers or plant in a cemetery
8. No person shall remove the sod in graves or from any portion of any plot in the Cemetery without first obtaining written consent of the CAO.
9. No person, other than the CAO or Designate, shall be permitted to care for any plot in any Cemetery.
10. No animal shall be allowed in any Cemetery unless such animal is on a leash and accompanied by an adult person.
11. A Peace Officer may evict there from, using such force as is reasonably necessary, or deny entrance, to any person who contravenes paragraphs 3 or 4.

SECTION XIV – PENALTY

1. A person who fails to comply with or breaches any provision of this Bylaw is guilty of an offence.
2. If a Municipal Ticket, in the form identified in Schedule "A" attached hereto and forming this bylaw, is issued in respect of an offence, the Municipal Ticket will specify the fine amount listed in Schedule "B" annexed hereto.
3. A person who is issued a Municipal Ticket in respect of an offence may pay the fine amount established by this bylaw for the offence at the Lacombe City Hall located at 5432 – 56th Avenue, Lacombe, Alberta T4L 1E9 and if the amount is paid on or before the required date, the person will not be prosecuted for the offence. (b. 356.1 04/23/12)
4. If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:
 - a. specify the fine amount established by this bylaw for the offence;

- b. require a person to appear in court without the alternative of making a voluntary payment; and a person who enters a guilty plea or is found guilty of an offence is liable to a fine in an amount not less than that specified in this bylaw and not exceeding \$10,000.00 and liable to imprisonment for not more than 6 months for non-payment of the fine.
5. A person who is issued a Violation Ticket, may, if the Violation Ticket specifies the fine amount established by this bylaw for the offence, make a voluntary payment equal to the specified fine at the Court House, Provincial Court Division, located at 4909 – 48th Avenue, Red Deer, Alberta
6. The levying and payment of any fine or the imprisonment for any period provided in the bylaw shall not relieve a person from the necessity of paying any fees, charges or costs from which he is liable under the provision of this bylaw.

SECTION XV – GENERAL

1. The CAO may make rules and regulations not inconsistent with this Bylaw for the effectual carrying out of this Bylaw and for the efficient management, control and regulation of the Cemetery.
2. City of Lacombe Bylaws No 55, 55.1, 55.2, 55.3, 55.4, and 55A are hereby repealed.
3. This Bylaw shall come into force and take effect on its passing thereof.

INTRODUCED AND GIVEN FIRST READING THIS 10th day of May, 2010

GIVEN SECOND READING THIS 14th day of June, 2010

GIVEN THIRD AND FINAL READING THIS 14th day of June, 2010

Stephen Christie
Mayor

Norma MacQuarrie
Chief Administrative Officer

City of Lacombe
Bylaw 356
Schedule "A"
Municipal Ticket Form

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City of Lacombe
Bylaw 356
Schedule "B"
Schedule of Fines

Offence	Section	Fine
Causing a Disturbance	XIII, 1	\$100
Causing a Disturbance during a Burial	XIII, 2	\$100
Conducting a Party, or Picnic	XIII, 3	\$100
Soliciting or Business advertising	XIII, 4	\$150
Depositing paper, sticks or refuse	XIII, 5	\$150
Willfully causing damage to property	XIII, 6	\$150
Willfully causing damage to a tree, shrub, flower or plant	XIII, 7	\$150
Allowing an unleashed animal in the cemetery	XIII, 10	\$50

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