

TOWN OF DRAYTON VALLEY

BYLAW NO. 96-18

Being a bylaw of the Town of Drayton Valley in the Province of Alberta to provide for the maintenance and control of cemeteries under the jurisdiction of the Town of Drayton Valley.

WHEREAS, the Town of Drayton Valley has authority under the Cemeteries Act, Chapter C-2 of the Revised Statutes of Alberta 1980, and the Municipal Government Act, Chapter M-26 of the Revised Statutes of Alberta 1980, and amendments thereto, to make and adopt regulations for the maintenance, operation and control of cemeteries under the jurisdiction of the Town of Drayton Valley.

AND WHEREAS, the Town of Drayton Valley considers it expedient and in the best interests of the Town to make and adopt such regulations:

NOW THEREFORE, the Council of the Town of Drayton Valley, duly assembled, hereby enacts as follows:

1. The Cemeteries Act, Chapter C-2 of the Revised Statutes of Alberta 1980 and amendments thereto, and the regulations under the Cemeteries Act respecting the establishment, operation, maintenance and licensing of cemeteries, are hereby adopted and shall form part of this bylaw.
2. DEFINITIONS

In this bylaw, unless the context otherwise requires:

- a) "Adult" shall mean any person over the age of twelve (12) years.
- b) "Child" shall mean any person over the age of five (5) and under the age of twelve (12) years.
- c) "Infant" shall mean any person under the age of five (5) years.
- d) "Cement Base" shall mean a rectangular piece of precast cement of four (4) inches (10) centimeters thickness so placed as to be level with the surrounding ground.
- e) "Flat Monument" shall mean a memorial of bronze, marble, granite, fiberglass or other non-deteriorating material, to be placed flush with the surrounding ground, with the epitaph to be inscribed on the top surface.
- f) "Pillow Monument" shall mean and include a memorial of bronze, marble, granite, fiberglass, stone or other non-deteriorating material which projects above the level of the surrounding ground and slopes from head to foot.

- g) "Upright Monument" shall mean a memorial of bronze, marble, granite, stone, fiberglass or other non-deteriorating material, intended to be placed upright with the epitaph inscribed on the vertical face.
- h) "Resident" shall mean any person, for whom the purchase of any burial right is being made, who was currently residing in the Town of Drayton Valley or in the M.D. of Brazeau #77 on the date immediately preceding the date of purchase of that burial right.
- i) "Perpetual care" of cemetery grounds by the Town of Drayton Valley means and includes the seeding of lots and grave surfaces and reseeded, 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 Council of the Town of Drayton Valley.
- j) "Town Manager" shall mean the Manager of the Town of Drayton Valley as appointed by the Council of the Town of Drayton Valley.
- k) "Cemetery" means land that is set apart or used as a place for the burial of dead human bodies or other human remains or in which dead human bodies or other human remains are buried.
- l) "Central Cemetery" means the municipally owned cemetery located at Lot 1, Block 5, Plan 5935 H.W. in the Town of Drayton Valley.
- m) "Riverview Cemetery" means the cemetery owned by the Town of Drayton Valley located in N.W. 10-49-7-W5 in the M.D. of Brazeau #77.

3. SUPERVISION AND CONTROL

- a) The cemeteries of the Town of Drayton Valley shall be under the general supervision, charge and control of the Town Manager, and the books, plans, records, documents and instruments relating to the cemeteries shall be under the supervision, charge and control of the Town Manager or designate.
- b) The Town Manager or designate shall ensure the orderly maintenance and beautification of the cemeteries and enforce the requirements of this bylaw and provincial statutes.
- c) The Town Manager or designate shall have authority to:

- i) Order that graves in any particular section of a cemetery be laid in any direction considered suitable.
- ii) Direct in what order lease of burial rights will be sold.
- iii) Move any monument or article to allow for necessary work, such monument or article to be replaced as soon as possible.
- iv) **From time to time, the Town of Drayton Valley may schedule**, repair or remove any monument that has become unsightly, after sending written notice to the last known address of the owner, next of kin or agent, giving **thirty (30)** days notice to make the repairs or removal. **If no response is received within 30 days, they will go ahead and do the necessary repairs**. The Town may recover any cost incurred for the repair or removal of such monument from the owner, next of kin, or agent.

4. OPERATION

- a) Perpetual care of cemeteries shall be provided by the Town of Drayton Valley. **A one-time fee will be charged as set by Resolution of Council**.
- b) All fees for burial rights, opening and closing, disinterment or monument permits shall be those fees set by resolution of Council from time to time.
- c) Any person requesting any services shall pay fees in advance or make such other arrangements as may be approved by the Town Manager or designate.
- d) No services shall be provided unless all forms, permits and documents have been completed and issued.
- e) All requests for burial shall be made forty-eight (48) hours preceding the date of interment, unless special arrangements are made with the Town Manager or designate. All additional costs incurred as a result of such special arrangements are to be borne by the person requesting burial arrangements.
- f) Burial, interment, funeral services and monument installations shall take place during those hours and days considered normal working hours for Town staff. Notwithstanding which, the Town Manager or designate may make exceptions to this clause as may be required.

- g) Funerals must reach the cemetery not later than 3:30 p.m. on the date of burial, unless otherwise arranged with the Town Manager or designate, and a charge for overtime will be made if it is necessary for Town staff to remain after their usual working hours.
- h) Concrete liners are required for all burials of a deceased person five (5) years or older. This requirement may be dispensed with by the Town Manager if in his opinion there are valid religious or personal preferential reasons to do so. Concrete liners shall be at the Cemetery at least two (2) hours before the set interment.
- i) Graves shall be dug and interments made only by persons under the direction of the Town Manager or designate.
- j) Care and upkeep of monuments are the responsibility of the owner, next of kin or agent, and such monuments shall not be allowed to become unsightly.

5. MONUMENTS

- a) **Section A, B, C & D of Riverview Cemetery as defined on the attached Schedule "A" shall only allow for the placement of flat, pillow or upright monuments.**
- b) Central Cemetery shall allow for the placement of flat, pillow or upright monuments.
- c) Section A of Riverview Cemetery and Central Cemetery shall allow for the placement of grave covers.
- d) A permit for the placement of all monuments and grave covers must be obtained from the Town of Drayton Valley prior to installation.
- e) All monuments shall be placed on a precast concrete base. The precast concrete base shall be a minimum of four (4") inches (10 cm) in thickness, and shall provide for a minimum four (4") inch (10 cm) border around the perimeter of the monument, however in no case, shall the concrete base extend beyond the boundaries of the width of the plot and in no case shall exceed twenty-four (24") inches (61 cm) in length in the case of an adult grave, and eighteen (18") inches (46 cm) in length in the case of a child's grave or cremation plot.

- f) The base shall be placed parallel to and even with the head of the plot, and flush with the surrounding ground.
 - g) The inscription must conform to Town records.
 - h) The Town of Drayton Valley must be advised twenty-four (24) hours in advance of the installation of monuments, unless other arrangements have been made with the Town Manager or designate.
6. LEASE OF BURIAL RIGHTS
- a) No plots shall be sold in a cemetery owned or controlled by the Town. Burial rights shall be awarded in the form of a twenty (20) year lease, to become perpetual upon interment.
 - I. No burial rights shall be awarded for the Central Cemetery, located at Lot 1, Block 5, Plan .5935 H.W. in the Town of Drayton Valley.
 - II. No burials shall take place in Central Cemetery without the written consent of the Town, and then only if circumstances warrant. Permission for such burial can be given by any two of the following.
 - Town Manager or designate, and
 - the Mayor or Deputy Mayor
 - a) The purchaser of burial rights leases shall be issued a certificate of lease that will state:
 - I. Full legal name of person for whom it was obtained.
 - II. Place and date of birth.
 - III. Sex
 - IV. Date of death, if applicable.
 - V. Term of lease shall be for twenty (20) years, with the option of renewal, without additional charge, in the nineteenth (19th) year.
 - VI. Lease becomes perpetual upon interment.
 - VII. Lease cannot be transferred without the permission of the Town Manager or designate.

- c) The Town shall retain the option to re-purchase the unexpired portion of any lease should the owner wish to dispose of it, with such purchase price to be pro-rated based on the number of years remaining in the lease.

7. **REGULATIONS**

a) From time to time, the town of Drayton Valley 's Maintenance Personnel may do a general clean up of floral or other tributes placed at the time of internment, or any other time if they become unsightly. The Maintenance Manager will use good judgement to see which florals or tributes shall be removed.

b) Floral or other tributes other than those placed at the time of internment shall be in a vase which must be on the monument and or base.

c) No person shall:

- erect a fence, railing, wall, coping, hedge or shrub in or around any lot.

- destroy, damage, deface or write upon any monument, or other structure or object in any cemetery.

d) All grading, seeding of grass and sodding work shall be done under the direction of the authorized Town staff.

8. **OFFENCES**

Any person who contravenes any provisions of this bylaw shall be guilty of an offense.

The Bylaw Enforcement Officer of the Town of Drayton Valley **or a Peace Officer** may enforce the provisions of this bylaw and may issue an offence ticket to any person found to have committed a breach of the bylaw. The offence ticket shall state the alleged offence, the bylaw number and the name "Cemetery Bylaw" and shall require payment of the appropriate fine, as provided in the attached Schedule "B", "Fine Schedule", to the Town of Drayton Valley within fourteen (14) days of the issuance of the ticket.

This shall include, but is not limited to:

- I. Any person or persons who:
- a) Enters or remains in a cemetery between the hours of 10:00 p.m. of any day and 6:00 a.m. of the following day.
 - b) Allows any animal in the cemetery.
 - c) Operates any vehicle at a rate of speed over 7 km per hour in the cemetery.
 - d) Unless part of a funeral procession, operates or enters a cemetery with a bicycle, motorcycle or animal-drawn vehicle.
 - e) Disturbs the quiet or good order of the cemetery by improper noise, conduct or any other act or deed.
 - f) Destroys, prunes, cuts or in any manner disturbs or defaces any part of or article in a cemetery.
 - g) Plants, seeds or places anything or article in a cemetery contrary to the bylaw.
 - h) Causes a vehicle to be operated other than on the roadway provided. This does not preclude authorized persons performing their work.
 - i) Enters the cemetery with a vehicle when roadways are unfit for traffic.
 - j) Interferes with or molests anyone who has the right to work or be in the cemetery.
- II. Any person or persons who perform, or cause to performed:
- a) The erection, installation or removal of any monument, not covered by this bylaw, or the erection, installation or removal of any monument without a permit to do so.
 - b) The removal of any monument or other article without consent in writing from the owner, next of kin or agent. Notwithstanding which, upon services or legal document, the Town Manager or designate may allow the removal.
 - c) The opening or closing of a plot contrary to this bylaw.
 - d) The interment or disinterment of a body without the necessary documents and approvals.
 - e) Any work without a permit, or failure to remove waste materials after work is completed.

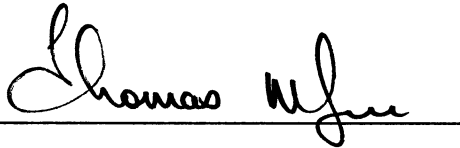
- f) Incorrect installation of a monument, or placement upon frozen ground.
 - g) Failure to repair or pay for any repair to the Cemetery or articles therein which has been necessitated by any action during work or attendance therein.
- II. Any person or persons who deface, destroy or vandalize by any means, the cemetery or any thing, article or item within the cemetery.

9. PENALTIES

Any person who contravenes any of the provisions of this bylaw is guilty of an offence and is liable to a penalty of not less than **one hundred (100.00)** and not more than twenty five hundred (2,500.00) dollars.

10. This Bylaw shall come into force and have effect from the third reading thereof, and hereby repeals Bylaw No. 95-08.

READ a first time this 13th day of September A.D., 1996.

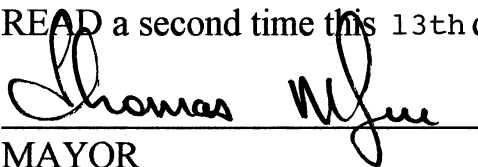


MAYOR

SEAL


MUNICIPAL SECRETARY

READ a second time this 13th day of September A.D., 1996.

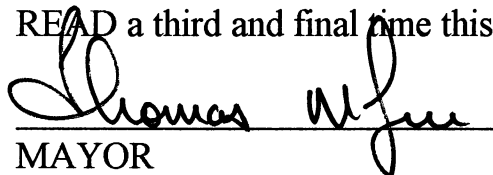


MAYOR

SEAL


MUNICIPAL SECRETARY

READ a third and final time this 13th day of September A.D., 1996.



MAYOR

SEAL


MUNICIPAL SECRETARY

TOWN OF DRAYTON VALLEY

BYLAW NO. 96- 18

SCHEDULE "B"

Fine Schedule

| | | First Offence | Second and Subsequent Offence |
|----------------|-------|------------------------|-------------------------------------|
| Section 7:C | (new) | <u>\$100.00</u> | <u>\$100.00</u> |
| Section 8.I. | (new) | <u>\$100.00</u> | \$100.00 |
| Section 8.II. | | \$100.00 | \$200.00 |
| Section 8.III. | | \$200.00 | \$500.00 |