

**TOWN OF DRUMHELLER BYLAW
NUMBER 18.20**

BEING A BYLAW TO PROVIDE FOR THE CONTROL AND MANAGEMENT OF THE DRUMHELLER MUNICIPAL CEMETERY WITHIN THE CORPORATE BOUNDARY OF THE TOWN OF DRUMHELLER IN THE PROVINCE OF ALBERTA.

WHEREAS: Pursuant to the provisions of the Municipal Government Act, *R.S.A. 2000*, Chapter M-26, as amended, and the regulations set for in the Cemeteries Act, *R.S.A. 2000, Chapter C-3*, Council of the Town of Drumheller deems it expedient to pass a Bylaw to provide for the control and management of the Drumheller Municipal Cemetery

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

1. Short Title: this Bylaw may be cited as the "Cemetery Bylaw".
2. In this Bylaw, the following definitions shall apply:
 - a) "Ash Interment" means the act of *burying cremated remains in a grave*. The Act includes the digging and backfilling of the grave by the Town;
 - b) "Ash Inurnment" means the act of *placing cremated human remains in a funeral urn*;
 - c) "Burial" means the *interment of human remains or cremated human remains in a grave*;
 - d) "Burial Permit" means *a permit which is required by the Town of Drumheller prior to burial*;
 - e) "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 and declared to be the Cemetery of the Town of Drumheller and shall hereafter be known as the Drumheller Municipal Cemetery, namely: Block 11, Plan 8711305 and Block 10, Plan 8610515*;
 - f) "Cemeteries Act" means the *Cemeteries Act of the Province of Alberta, R.S.A. 2000, Chapter C-3, as amended together with its Regulations from time to time*;
 - g) "Chief Administrative Officer" means the *Chief Administrative Officer of the Town of Drumheller and may be referred to as the Town Manager*;
 - h) "Columbarium" means a *structure designed for storing the ashes of dead human bodies or other human remains that have been cremated*;

- i) "Council" means the *Municipal Council of the Town of Drumheller*;
- j) "Double Depth Plot" shall mean a *single grave Plot (full Plot) in which the Town will permit the burial of two bodies in separate caskets, placed one above the other, at minimum depths as required by the Alberta Cemeteries Act.*
- k) "Deed" means the *application for a Plot deed or niche deed*;
- l) "Family Member of Responsible Person" means the *heirs, next of kin or responsible persons who are deemed to be or who claim to be responsible for the upkeep of a Plot, Plot and monument or Niche in the cemetery.*
- m) "Footstones" means *monuments set at the foot of a grave for memorial purposes or to define corners of graves of family plots, permitted in designated areas only*;
- n) "Full Plot" means a *single grave plot measuring five (5) feet by ten (10) feet by six (6) feet deep*;
- o) "Funeral Director" means *any registered embalmer or mortician licensed in Alberta*;
- p) "Grave Cover" means a *structure or marble, granite, plastic, fiberglass, or similar material for memorial purposes placed on the entire burial plot and set level with the contour of the ground as permitted in designated areas only*;
- q) "Half Plot" means *one-half of a single grave plot measuring five (5) feet by five (5) feet by four (4) feet deep*;
- r) "Maintenance Period" means the *usual maintenance period in any one year adhered to by the Town in terms of its usual procedures and policies and as may be governed by need and weather conditions from time to time*;
- s) "Marker" means a *monument of approved granite, marble or bronze. The top of the flat marker be somewhat lower but level with the surrounding ground contour of that particular grave*;
- t) "Memorial Wall" means a *structure or structures in the Cemetery appropriate for fixing plaques regulated in size dedicated to the memory of deceased persons*;
- u) "Monument" means *anything that is called a headstone, tombstone, upright or vertical monument, a pillow marker, a flat marker, a grave cover or a footstone that is made of granite, marble, or metallic materials, supported by a concrete monument base which is somewhat lower but level with the surrounding ground*;

- v) "Niche" means a *single compartment of a columbarium large enough to house one or two funeral urns;*
- w) "Non-Resident" means a *person who at the time of his demise, was either:*
 - i) *not a resident of the Town as defined Section 2(z) hereunder;*
 - ii) *a patient in any Government Institution, Home for Aged and Infirm persons, Nursing Home or Hospital in the Town and not a resident of the Town;*
- x) "Ongoing Maintenance" means a *general term used to designate all the various types of work the Town does on behalf of the owner to ensure that the burial plots are kept in good repair and that the surrounding grounds are properly cared for. This does not include monuments or grave covers;*
- y) "Owner" shall mean a *person or persons who purchase a plot or plots or compartment or compartments of a Columbarium in the Cemetery;*
- z) "Resident" means *any person, who at the time of his demise, was either:*
 - i) *living in the Town for a period of twelve consecutive months immediately prior to his demise, or,*
 - ij) *living in the Town and the owner of property in the Town, for a period of three consecutive months immediately prior to his demise and is not otherwise disqualified as being a non-resident as defined by this Bylaw;*
- aa) "Scatter Garden" means a *designed area in the cemetery to scatter cremated human remains;*
- bb) "Scatter Garden Monument" means a *granite monument for the memorialization of cremated human remains that have been scattered in the Scatter Garden;*
- cc) "The Town" means the *Town of Drumheller or the Municipality of the Town of Drumheller as the case may be or the context may apply;*
- dd) "Veteran" means a *person who has a Veteran's Affairs Registration Number (as defined by Regulations of the War Veteran's Allowance Act);*
- ee) "Working Hours" means *regular hours of work (08:00-16:30), Monday to Friday, inclusive, excluding declared or statutory holidays;*

3. ADMINISTRATION

- a. The operation of the Drumheller Municipal Cemetery shall be in accordance with established policy by the Town and in accordance with the *Cemeteries Act*.
- b. The Town shall be responsible for the sale of Plots and Niches, keeping of all 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. The Town shall have sole control of all matters related to the Cemetery, including maintenance, burials, and enforcement of this Bylaw.
- c. The Town reserves the right to limit the number of Plots developed and/or make available for sale each year; and to direct the area and sequencing of development and Plot sales.
- d. The fees for the purchase, opening and closing of Plots and Niches and the inscription on a Niche at the Cemetery shall be in accordance with the rates set out in Town of Drumheller Service Fee Schedule as set by resolution of Council from time to time.
- e. Any person acquiring a Plot or Plots under the provisions of the Bylaw shall only acquire the right and privilege of burial of the deceased therein subject to the provisions of this Bylaw and shall not be deemed to acquire any title to the land which shall remain vested in the name of the Town.
- f. The Town shall take all reasonable precautions to protect the property rights of the owners within the Cemetery from loss or damage; but the Town 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.

4. GENERAL RULES AND CONDITIONS - BURIAL PLOT PURCHASES AND UTILIZATION

- a. No owner shall sell or transfer any Plot deed or Niche deed to any other person. Niche deeds and Plot deeds may be transferred from one family member to another, but no transfer shall be valid unless such transfer is registered with the Town of Drumheller.
- b. The owner may sell his/her Plot to the Town and the Town will buy back the Plot at an amount representing at least 85% of the market value of the Plot at the date of resale.

- c. If a previously purchased Plot is deemed unusable by the Town for any reason, the Town will supply a similar Plot at no cost to the owner or his/her heirs and the original Plot shall revert to the Town.
- d. It is a condition of every burial Plot purchased that the owner expressly waives any claim arising from an error caused by the Town. The Town's liability shall only extend to a refund of any money paid to the Town for a Plot(s) providing that the Plot(s) suggested as alternatives are not acceptable by the Owner.
- e. The Town reserves the right to refuse to provide Cemetery services on Sundays and legal holidays. The final authority concerning funerals on these days will be the decision of the Chief Administrative Officer. Sunday and legal holiday interments shall be charged and as set under the Town of Drumheller's Service Fee Schedule established by resolution of Council. The only exception will be burials ordered by the Provincial Health Department.
- f. Any burial at the Cemetery after normal working hours shall be charged extra wage and equipment costs, as referred to in Section 2 (cc).
- g. The activities and obligations of Funeral Directors are governed by the *Occupational Health & Safety Act of Alberta*, RS.A. 2000, Chapter 0-2, and amendments and regulations thereto.
- h. No body shall be disinterred or removed from the Cemetery for any purpose unless a Licensed Funeral Director applies to do so, the RCMP are advised and a disinterment permit has been issued by the Director of Vital Statistics. Disinterment fees will be as set out in the Town of Drumheller's Service Fee Schedule established by resolution of Council.
- i. The Town shall provide maintenance during the maintenance period only.
- j. If any installation, interment or disinterment is made outside the maintenance period any remedial work to the grave or grounds will be performed in the next maintenance period.
- k. The Niche/ Plot Deed shall be completed upon the Purchaser paying or being invoiced the amount set out in the Town of Drumheller's Service Fee Schedule established by resolution of Council.

5. INTERMENTS AND DISINTERMENTS

- a. No Plot shall be used for any other purpose than for the burial of a deceased human body.

- b. No interment or inurnment shall be permitted in the Cemetery until an approved burial permit has been filed with the Town.
- c. A full Plot may only be used for:
 - i) the single burial of a person when the length of the outer casket exceeds five (5) feet; or
 - ii) the single burial of a person as provided in i) above but with the provision that up to four ash interments may also occur; or
 - iii) cremation purposes only for up to four ash interments; or
 - iv) a double depth grave; or
 - v) a double depth grave plus four ash interments; or
 - vi) special consideration will be given to burial of one adult and one infant within one casket.
- d. A half Plot may only be used for:
 - i) the single burial of a person who the length of the outer casket if five (5) feet or less; or
 - ii) the single burial of a person as provided in i) above but with the provision that up to two ash interments may also occur; or
 - iii) cremation purposes only for up to two ash interments.
- e. Ashes may be interred in any Plot already occupied where the person in charge of the ashes is deemed to have authority to give permission for such interment.
- f. The Town shall make available Plots in the Cemetery for unclaimed bodies of deceased persons and for the bodies of indigent persons.
- g. The owner of a Plot, or the person instructing the Town to open a Plot shall be responsible to give complete and precise instructions regarding the location of the Plot and the Town shall not be responsible for any errors resulting from the lack of proper instruction.

6. SCATTERING OF CREMATED REMAINS

- a. Scattering of cremains will only be permitted in the designated "Scatter Garden" sections and only once a Permit to Scatter has been obtained from the Town of Drumheller and payment of the appropriate fee set out in the Service Fee Schedule has been paid.
- b. Scattering of cremains, along with provision Scatter Garden memorial plaque, will only be permitted in the designated "Scatter Garden" sections and only once a Permit to Scatter has been obtained from the Town of Drumheller and payment of the appropriate fee set out in the Service Fee Schedule has been paid.
- c. Scattering of cremains will only be permitted from April 1st to September 30th.
- d. Families, next of kin or the executor of the will, are permitted to scatter cremains in the designated scattering areas with the presence of a funeral director or Public Works employee, providing a Permit to Scatter has been obtained.

- e. A burial permit issued by the Province under the Vital Statistics Act; or equivalent document showing that the death has been registered with the Province must be provided to the Town of Drumheller prior to a scattering.
- f. Cremated remains are not permitted to be scattered on a grave.
- g. Once scattered, cremated remains cannot be retrieved.
- h. Scatter Garden memorial plaques must be ordered through the Town of Drumheller with no exceptions.

7. INTERMENT AND INURNMENT NOTIFICATION POLICY

- a. All applications for burials and ash interments are to be made at the Town Hall during regular working hours.
- b. Advance notice if required in accordance with the following:
 - i) Between the months of May and October inclusive in any year, all application for burial permits shall be made to the Town Hall at least twelve (12) working hours before the time for burial interment. Notice shall be given by 12:00 noon, Thursday, prior to a Saturday burial during the aforementioned period.
 - u) Between the first day of November and the first day of May if a burial Plot or burial permit is required, a minimum of sixteen (16) regular working hours' notice shall be given to the Town prior to the time set for the burial. Notice shall be supplied by 12:00 noon Friday for Monday burial during the aforementioned period. A grave opening slated for Monday morning may have to be opened Sunday with applicable rate being charged as provided for under the Town of Drumheller's Service Fee Schedule established by resolution of Council.
- i) If during the winter there is a good reason on the part of the grieving family to accelerate the interment time, the Town may consider an application only if the following conditions are met:
 - a) There is just cause to desire this very special attention;
 - b) The applicant is willing to pay the extra fee provided for under the Town of Drumheller's Service Fee Schedule established by resolution of Council.

8. GENERAL MONUMENT REGULATIONS

- a. A vase will be acceptable if the receptacle is a permanent finish that will not wear or deteriorate under normal Cemetery conditions. Such vase(s) shall only be permitted within allotted Plot dimensions to include a maximum of two vases only, placement immediate to the left or right of head stone.
- b. All monuments placed in the Drumheller Cemetery must be constructed of granite, marble or metal.
- c. No living monument consisting of trees, shrubs, or flowers may be planted on any grave.

- d. No monument may have an overall size greater than 3 feet 6 inches wide, 21 inches deep and 18 inches high (to the top of the monument, including the base and vase). This clause is applicable to the new section of Cemetery only.
- e. No monument shall be placed in the Cemetery until the size, inscription and material of construction has been approved by the Town and a permit has been granted.
- f. Subsequent to the issuance of the monument installation permit (Schedule A), the monument location will be confirmed with Town staff.
- g. All foundations or monuments shall be confined within the boundaries of the respective Plots and monuments shall be installed so that the monument foundation shall be in alignment with all other stones in that particular row, however, elevation changes may be necessary, pre-determination should be reviewed with Town staff.
- h. No monuments shall be erected except during regular working hours.
- i. Prior to the removal of any monument for repair or any other reason, application shall be made to the Town on the approved form.
- j. After the passing of this Bylaw, no fixture of any type, such as pictures or ornaments may be attached or affixed to any part of a monument unless by prior approval of the Town.
- k. After the passing of the Bylaw, no fencing, railing, roping, earth mound or any other type of memorial other than a monument in accordance to the provisions of this Bylaw shall be placed on any burial Plot.
- l. All persons employed in the construction and delivery of monuments and markers or doing otherwork in the Cemetery, whether employed by the Town ornot, shall be subject to the direction and control of the Town.
- m. All persons erecting monuments shall ensure that such monuments are firmly secured to the foundation with glue and/or setting compound. Monuments that are less than 4 inches thick must be fastened with a dowel pin in the centre and sealed with setting compound.
- n. Monuments with urns attached are prohibited.
- o. Grave covers will be limited to the old section of the Cemetery and installation shall be subject to the approval of the Chief Administrative Officer. The Town, at its discretion may require the installation of a vault in these instances.
- p. All foundations and monuments not installed in strict conformance to this Bylaw shall be removed at the direction of the Town.
- q. All persons erecting monuments shall ensure that the surrounding areas are restored to, and left in the same condition as found prior to installation.

- r. The Town shall report to a family member or responsible party of an installation that it is in disrepair. It shall be the duty of the family member or responsible party to repair or remove such installation within 30 days after receiving written notice from the Town. The Town shall have the power to repair such monument and charge the cost thereof to the family member or responsible party. Such costs may be recovered as a debt from the family member or responsible party to the Town.
- s. The owner is responsible for the proper condition of a monument / marker. An out-of-repair monument/ marker may be removed.

9. MEMORIAL WALL

- a. The Memorial Wall plaques shall be supplied and installed by the Town of Drumheller, only once a Memorial Wall Plaque agreement is finalized following payment of the appropriate fee set out in the Fee Schedule at time of registration.
- b. The Memorial Wall plaque agreement shall only be completed once confirmation of death has been provided to the Town of Drumheller. Confirmation of death shall be death certificate, burial permit, obituary or equivalent deemed acceptable by the Town of Drumheller.

10. GRAVE DECORATION POLICY

- a. A grave decoration is anything that is placed on a grave, columbarium or memorial wall for the memorial purposes.

These decorations must meet certain conditions imposed by the Town as follows:

- Flowers must be placed in a vase that is already part of the monument;
- n) The grave decorations must not include any of the following items: wooden, glass, china, plastic, or metal receptacles, other than those used on a wreath stand, and items such as lawn ornaments.
- b. The Town may at its discretion remove and dispose of any loose or inappropriate items and decorations from any graves, columbarium or memorial wall in the Cemetery.

11. GENERAL PROVISIONS

- a. That within the Drumheller Cemetery:
 - i) No person shall solicit business or distribute business cards or place an advertising trademark on any monument or anything within the Cemetery boundaries.
 - ii) No picnics, parties or gatherings except for funerals or some Ceremony of observance is permitted in the Cemetery.
 - iii) No person or party shall litter or cause willful damage to the Cemetery's landscape setting, to any monument, building or other structure;
 - iv) No animals are permitted in the Cemetery whether on a leash or not.

12. FIELD OF HONOUR SECTION

- a. The Town shall set aside an area which shall be known as the "Field of Honour" which shall be reserved for the burial of Veterans.
- b. No interments shall take place in the Field of Honour Section unless an application for burial on the prescribed form has been fully completed and signed by the applicant.
- c. A spouse may be interred in a Veteran's Plot, but only after the Veteran has been interred.
- d. Only pillow type head stones, consistent with those approved by Veterans Affairs Canada are permitted.
- e. Two headstones are permitted on one Plot, but only if both interments are Veterans.
- f. For a spouse not qualifying as a Veteran, but interred in the same Plot, the name and dates of the spouse may be engraved on the Headstone, or a brass plate may be attached to it.
- g. No more than fifty 50% percent of the normal adult Plot fee will be charged to Veterans, as set out in the Town of Drumheller's Service Fee Schedule established by resolution of Council.

13. COLUMBARIUMS

- a. The purchase price for niches shall be as set out in the Town of Drumheller's Service Fee Schedule established by resolution of Council.
- b. The Niche Deed shall be completed in the form of Sschedule "B" upon the Purchaser paying or being invoiced the amount set forth in set out in the Town of Drumheller's Service Fee Schedule established by resolution of Council.
- c. Niches shall be used only for the purpose of placement of one or two urns.
- d. The opening and closing of a Niche shall be performed only by the Town or its designate and after payment of the fee set out in the Town of Drumheller's Service Fee Schedule established by resolution of Council.
- e. No flowers, ornaments, funeral designs or floral pieces may be placed at the base of, or on the columbarium. Placements on the niche doors or on the top of the columbarium are prohibited.

14. VISITORS

- a. No person other than an employee under the direction of the Town shall enter or remain in the Cemetery between sunset of one day and sunrise of the day next following.
- b. No person shall drive any vehicle through any Cemetery at a greater rate of speed than 20 km/h and shall be restricted to roadways only.

- c. The Town may prohibit the driving of vehicles in any part of a Cemetery.
- d. The owner of any moving vehicle shall be responsible for any damage done by such vehicle within the boundaries of the Cemetery.
- e. The use of snowmobiles and other all-terrain recreation vehicles shall not be permitted.

15. ENFORCEMENT OF RULES

- a. The Town is hereby empowered to enforce all rules and regulations and to exclude from the Cemetery any person(s) violating same. The Town shall have charge of the grounds and the buildings including the conduct of funerals, traffic employees, owners and visitors and at all times shall have supervision and control of all persons in the Cemetery.
- b. All installations at the Cemetery made without authorization by the Town may be removed by the Town.
- c. All installations at the Cemetery not conforming to the rules, regulations and provisions of the Bylaw may be made to conform to the Town.
- d. Any Peace Officer or Town employee from time-to-time in charge of the Cemetery may evict therefrom, or deny entrance to any person who contravenes any of the provisions of this Bylaw.

16. SUMMARY CONVICTIONS

- a. Any person who lawfully destroys, mutilates, defaces, injures or removes a tomb, monument, grave stone or other structure placed in the Cemetery or a fence, railing or other work for protection or ornament of a Cemetery or of a tomb, monument, grave stone or other structure or a Cemetery Plot within the Cemetery, contravenes a provision of this Bylaw and is guilty of an offence.
- b. Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable on summary conviction to a fine not exceeding Ten Thousand Dollars (\$10,000.00) or to imprisonment for not more than one (1) year, or to both fine and imprisonment.
- c. If a person is found guilty of an offence under this Bylaw, the Court may, in addition to any other penalty imposed, order the person to comply with this Bylaw.
- d. 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.

This Bylaw takes effect on the date of the third and final reading.

This Bylaw shall repeal Bylaws 06.17 and 03.09 of the Town of Drumheller.

READ A FIRST TIME this 11th day of JANUARY, 2021.

READ A SECOND TIME this 11th day of JANUARY, 2021.

READ A THIRD AND FINAL TIME this 11th day of JANUARY, 2021.

The original document, duly signed and executed, is retained on file.

Schedule "A"
Cemetery Site Plan including Scatter Garden



PROJECT: TOWN OF DRUMHELLER

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