

**BYLAW NO. 1563**

**OF THE TOWN OF WHITECOURT  
IN THE PROVINCE OF ALBERTA**

**TO PROVIDE FOR AND MAKE PROVISION FOR THE IMPROVEMENT, MAINTENANCE,  
MANAGEMENT, CONTROL AND OPERATION OF CEMETERIES OWNED AND/OR OPERATED  
BY THE TOWN OF WHITECOURT.**

**WHEREAS**, the Municipal Government Act, Chapter M-26, RSA 2000, authorizes a municipality to regulate services provided by or on behalf of the municipality;

**AND WHEREAS**, the Cemeteries Act, Chapter C-3, RSA 2000, requires a municipality which owns and operates cemeteries within its boundaries to operate and maintain the cemeteries in accordance with the Cemeteries Act and any regulations passed thereunder;

**NOW THEREFORE**, the Council of the Town of Whitecourt, in the Province of Alberta, hereby enacts as follows:

**1. SHORT TITLE**

1.1 This Bylaw may be cited as the "Cemetery Bylaw".

**2. DEFINITIONS**

In this Bylaw, unless the context otherwise requires:

- 2.1 "At-Need" means at the time of death sale of a grave plot or niche, services, and/or supplies which are required for an immediate Interment;
- 2.2 "Authorized Person" means the person who controls the disposition of the human remains or cremated remains pursuant to the Cemeteries Act General Regulations, AR 249/98, as amended, or his or her delegate;
- 2.3 "Burial Permit" means a permit to bury, cremate, remove to a place outside Alberta or otherwise dispose of a deceased human body. Issued under the Vital Statistics Act, R.S.A. 2007, c. V-4.1, as amended, by the Director of Vital Statistics;
- 2.4 "Chief Administrative Officer" or "CAO" means a person appointed to a position under S. 205 of the Municipal Government Act;
- 2.5 "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;
- 2.6 "Cemetery Plan" means the plan of the Whitecourt Cemetery showing:
- a. How the cemetery is divided by roadways and walks;
  - b. The location of blocks or sections;
  - c. The location of grave plots; and
  - d. The location and layout of the columbarium;
- 2.7 "Certificate of Title" means a certificate issued by the Supervisor pursuant to this Bylaw once the applicable Fees and Charges have been paid, specifying the entitlement of an interment or inurnment;

- 2.8 "Columbaria" or "Columbarium" means a structure erected in a Cemetery designed for storing funeral urns;
- 2.9 Council" means the duly elected Council of the Town of Whitecourt;
- 2.10 "Cremains" are the bone fragments from a cremated body which remain after the cremation process;
- 2.11 "Disinterment" means the removal of human remains, including cremated remains, from a closed grave or sealed niche;
- 2.12 "Employee" means an employee of the Town;
- 2.13 "Fees and Charges" means the amount to be paid for Cemetery supplies or services as defined under the Cemeteries Act, and another amount as approved by Council and specified in the Town of Whitecourt Fees, Rates, and Charges Bylaw 1551;
- 2.14 "Field of Honour" means the area of the cemetery shown on the Cemetery Plan as being reserved for the burial of veterans as defined by Veteran Affairs Canada, as may be amended from time to time;
- 2.15 "Grave Liner" means a burial receptacle placed in the ground in the cemetery, either dome or box form designed and built to support the weight of the earth and standard cemetery maintenance equipment and to prevent the grave from collapsing;
- 2.16 "Grave Plot" means the portion of land in the cemetery designed for the interment or inurnment of human remains;
- 2.17 "Interment" means the burial of a casket in a grave plot;
- 2.18 "Inurnment" means the burial of an urn in an in-ground grave plot, or a columbarium niche;
- 2.19 "Licensee" means the person or other legal entity that acquires burial privileges in the Cemetery in accordance with the provisions of this Bylaw;
- 2.20 "Monument" means a structure in a cemetery placed on any plot for the purpose of memorialization, or means anything that is called an upright monument, pillow monument, flat monument, headstone, or tombstone that is made of commercial grade granite, marble, or bronze;
- 2.21 "Niche" means a recessed space in a columbarium used or intended to be used for the inurnment of cremated remains;
- 2.22 "Peace Officer" means a member of the Royal Canadian Mounted Police (RCMP), a Community Peace Officer appointed by the Town, or a Bylaw Enforcement Officer appointed to enforce the Town's Bylaws;
- 2.23 "Pre-Need" means a sales contract where all or part of the cost of an interment or inurnment is paid before the death of the individual;
- 2.24 "Sales Contract" means the agreement made and signed between the licensee, or authorized person, and the Town in accordance with this Bylaw.
- 2.25 "Supervisor" means the individual appointed by the CAO who is responsible for overseeing the operations of the cemetery and carrying out any act or function on behalf of the Town under any applicable Town or Provincial rules, regulations, and/or legislation pertaining to the cemetery, or his/her delegate;
- 2.26 "Town" refers to the Town of Whitecourt;
- 2.27 "Transfer Application" means an application requesting the transfer of a Grave Plot or a Niche from a licensee to another person in accordance with this Bylaw;

2.28 All other words and phrases in this Bylaw shall be construed in accordance with the meaning assigned to them in the Cemeteries Act R.S.A.2000, c-3 as amended, the Cemeteries Act General Regulations as amended, the Vital Statistics Act SA 2004, c. V-4.1 as amended, Department of Veterans Affairs Act R.S.C., 1985, c. V-1 as amended, and any other Town Bylaws or Policies as they may apply;

2.29 Number and gender references in this Bylaw will be read with such changes in number and gender as may be appropriate according to whether the reference is to a male or female person, or a corporation or partnership;

### **3. ORGANIZATION, OPERATION AND MANAGEMENT OF CEMETERIES**

3.1 The Supervisor shall have control over all matters concerning the organization, operation and management of the Cemetery in accordance with federal and provincial legislation, regulations, policies, this Bylaw, and any other Town Bylaws or Policies that may apply.

### **4. DELEGATION**

4.1 Council hereby delegates to the Chief Administrative Officer all those powers stipulated by this Bylaw to be exercised by the Town and all necessary authority to carry out those powers, except those powers which are reserved exclusively for Council under the Municipal Government Act, or reserved for other Persons pursuant to the provisions of this Bylaw. The Chief Administrative Officer is authorized to further delegate the powers granted by this Section.

### **5. ESTABLISHMENT OF CEMETERIES**

5.1 Pursuant to the amended Final Certificate of Approval dated July 5, 2019, issued by the Director of Cemeteries, Council hereby establishes the Whitecourt Cemetery lands to be set aside, operated, used and maintained by the Town as a cemetery pursuant to the Cemeteries Act.

5.2 Municipal address of the Whitecourt Cemetery is 3604 35 Street; Legal address of Lot 1; Block 18; Plan 022 5914.

a. In addition to the lands described above, the Town 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.

5.3 The Town is the sole provider of general care services; sales of grave plots and niches and opening and losing of plots and niches.

5.4 The Town shall keep available for public inspection all cemetery plans and any other information that may be required under the Cemeteries Act, during regular office hours, at the Town of Whitecourt Administration Office.

5.5 The Town may, by agreement with a society, church or other organization reserve a section of the cemetery to be used exclusively for the interment and/or inurnment of deceased members of the society, church or organization.

### **6. FEES AND CHARGES**

6.1 All revenues received by the Town in accordance with this Bylaw must be remitted to the CAO, who shall be responsible to ensure that the monies are deposited in a separate account for use by the Cemetery for all expenditures included in the applicable Cemetery's annual budget.

6.2 Grave plots, niche compartments, cemetery services and supplies may be purchased upon full payment of all applicable fees and charges as set out in the Fees, Rates, and Charges Bylaw 1551 and entering into a sales contract with the Town.

### **7. GRAVE PLOTS AND NICHES**

7.1 No grave plot shall contain more than:

- a. One (1) deceased human body interred within a casket; and
  - b. Up to three (3) cremated human remains, interred within an urn;  
Unless prior written permission has been received from the Supervisor.
- 7.2 Where an urn has been interred in a plot, that plot cannot then be used for a subsequent casket burial.
- 7.3 Each above ground inurnment shall be in a niche.
- 7.4 No niche shall be used for any purpose other than the inurnment of the cremains of human.
- 7.5 No niche shall contain more than two (2) urns containing cremains unless prior written permission has been received from the Supervisor.
- 7.6 All inscriptions for a niche front shall be the responsibility of the licensee and will be placed or installed on each niche provided that the applicable monument installation fees and charges are paid, and the monument conforms to the requirements of this Bylaw and any policies adopted by the Town.
- 7.7 No person shall alter, embellish, or adorn any niche within the columbarium located in the Whitecourt cemetery without the prior written consent of the Supervisor and in accordance with this Bylaw and any applicable provincial legislation.
- 7.8 Plots for indigents will be furnished in accordance with Section 12 of the Cemeteries Act, as amended from time to time.

## **8. SALE CONTRACTS AND TRANSFER APPLICATIONS**

- 8.1 The Whitecourt Cemetery is a public cemetery open to persons of all religions, and the Town has no authority to forbid the interment or inurnment of any deceased person.
- 8.2 Any person wishing to purchase a grave plot, niche, or other interment space for burial or inurnment in the cemetery, whether pre-need or at-need, is required to enter into a written sales contract with the Town, and pay in full, the current fee(s) as set out in the Town of Whitecourt Fees, Rates, and Charges Bylaw 1551.
- 8.3 A sales contract shall include:
- a. The full legal name of the purchaser(s);
    - i. Purchasers contact information;
    - ii. Physical and Mailing address
    - iii. Telephone number
    - iv. email
  - b. The date of purchase;
  - c. The amount of the sale and terms of payments;
  - d. The location of the plot or niche;
  - e. A detailed listing of the cemetery services and/or cemetery supplies to be provided;
  - f. The cost of the cemetery services and/or cemetery supplies to be provided;
  - g. List of those authorized to be interred within interment space; and
  - h. Any other information the Supervisor deems necessary or appropriate.
- 8.4 Regardless of the specific wording of any sales contract, certificate of title or other agreement between the Town and a licensee of a grave plot or niche, it is a condition of every agreement that the parties to the agreement, relating to the sales contract or use of a grave plot or niche, expressly waive any right to claim against the Town and its officers and employees, arising by reason of any error or mistake in relation to the description of any grave plot or niche.
- 8.5 When the Town agrees to sell a grave plot or niche with a sales contract and receives the full payment of all applicable fees and charges, the Town shall deliver a copy of the sales contract and certificate of title to the licensee.
- a. Ownership of the cemetery lands remains vested in the Town at all time. The licensee only acquires the right and privilege to inter human remains and cremated remains, and for the

- installation of a monument in accordance with this Bylaw and the Cemeteries Act.
- b. All grave plots shall be held and disposed of free from the provisions of the Land Titles Act.
- 8.6 No interment or monument is permitted to be undertaken until payment of all fees and charges have been paid in full. The purchase of a grave plot(s) does not include a monument, the placing or removal of monuments, the opening and closing of the grave plot, or any disinterment costs. These costs shall be borne by the estate of the purchasers either at-need or pre-need.
- 8.7 Veterans purchasing a grave plot or niche outside of the "Field of Honour" are charged at the rate of one half (1/2) the applicable fees for that plot or niche.
- 8.8 Grave plots and niches shall not be resold by the licensee to any other party, other than the Town.
- 8.9 A licensee who has purchased a grave plot or niche pursuant to a sales contract, which has not yet been used, may transfer the rights to inter within the grave plot(s) or the niche compartment(s) to another person, group, or organization, upon providing the Supervisor a complete transfer application in accordance with this Bylaw. The transfer application shall include:
- a. The location of the plot or compartment that is being transferred;
  - b. The full legal name and address of the person to whom the plot or compartment is being transferred ("the Transferee");
  - c. Date of the transfer;
  - d. Payment of the applicable fees and charges;
  - e. Where the grave plot being transferred is in the Field of Honour, evidence that the transferee is a veteran as defined under the Department of Veterans Affairs Act R.S.C., 1985, c. V-1, or the spouse of a veteran;
  - f. The original sales contract and certificate of title for the grave plot or niche;
  - g. If available, the full legal name of the transferee's next of kin; and
  - h. Any other information the Supervisor deems necessary or appropriate.
- 8.10 Upon request and subject to the Chief Administrative Officer's approval, unused plots and/or niches may be exchanged for another space of equal value within the cemetery with payment of any fees and/or charges as set out in the Town of Whitecourt Fees, Rates, and Charges Bylaw 1551, together with a new cemetery sales contract.
- 8.11 Where the Supervisor receives a completed transfer application, together with the appropriate fees and charges, the Supervisor shall cancel the original certificate of title and issue a revised certificate of title in the full legal name of the transferee and record the transfer in the cemetery register.
- 8.12 The licensee may cancel a pre-need sales contract at any time for any reason. Cancellation without charge or penalty period shall be from the day the licensee entered into the sales contract until 30 days after the licensee received a copy of the sales contract. If the licensee cancels after 30 days the licensee may still have to pay for the interment space and for any cemetery supplies and cemetery services that have already been supplied, performed, or delivered, as the case may be.
- a. The Town upon the receipt of notice of cancellation and the payment of any fees and/or charges as set out in the Fees, Rates, and Charges Bylaw 1551, will then refund at the original purchase price at an interest rate of zero percent (0%).
- 8.13 The transferee must enter into a sales contract with the Town.

## **9. INTERMENT**

- 9.1 No interment is permitted to be undertaken within the cemetery until the Supervisor has:
- a. The certificate of title, or a signed sales contract where the certificate of title is not or not yet available;
  - b. A signed sales contract for cemetery supplies and/or cemetery services;
  - c. The burial permit; and
  - d. Payment of all applicable fees and charges, in full.
- 9.2 All requests for interment shall be made by entering into a cemetery sales contract for cemetery

- supplies and cemetery services with the Town at least two (2) business days, between the months of May and October; and three (3) business days between November of one year and April of the following year, prior to the requested time of interment. Such contract shall contain the following:
- a. The full legal name, date of birth, and date of death of the deceased person;
  - b. The date and time of the funeral service, when different the date and time of the interment;
  - c. If applicable, the service number of a war veteran when required, the service number of a veteran's spouse;
  - d. The full legal name and mailing address of the authorized person(s), together with supporting legal documentation as set out in the Cemeteries Act;
  - e. Whether the body has been labeled in accordance with the Bodies of Deceased Person Regulation, as being infected with a communicable disease; and
  - f. Any other information the Supervisor deems necessary or appropriate.
- 9.3 Interments shall take place during the hours of 10:00 a.m. to 4:00 p.m., Monday to Friday. Interments will not take place on Saturdays and Sundays and all Statutory Holidays unless:
- a. Burial is necessary to comply with the Public Health Act or other applicable legislation; or
  - b. Other special circumstance exists, which in the opinion of the Supervisor, warrant a departure from this section.
- 9.4 Interments/inurnments occurring outside the standard hours and/or days set out in this Section may be subject to additional fees and charges as per the Whitecourt Fees, Rates and Charges Bylaw 1551.
- 9.5 All cemetery sales contracts for interment must be signed by the authorized person of the deceased in the case where the plot/niche is held by someone other than the authorized person the licensee of the grave/niche must also give written consent for the interment.
- a. Whenever a plot/niche is held by two persons, a request for interment in such plot/niche or any part thereof will be accepted by the Supervisor from any one of the said persons or their personal representative.
- 9.6 No person not under the control of the Supervisor or his/her delegates shall open any plot or niche for the purpose of interring or disinterring a body or cremains.
- 9.7 Graves are to be dug to the depth limits as set out in the Cemeteries Act General Regulation AR249/41998 Section 25, as amended from time to time.
- 9.8 Only one (1) casket interment and up to three (3) inurnments may take place within one (1) plot.
- a. The casket must be placed first; if an inurnment occurs first within the plot then only two (2) additional inurnments may occur.
- 9.9 No cremains shall be scattered at the cemetery.
- 9.10 Interment will not be permitted in blocks where written records are insufficiently accurate to confirm either ownership or occupancy.
- 10. FIELD OF HONOUR**
- 10.1 The Town may designate a portion or portions of the cemetery as a Field of Honour for those persons who have been in active service with the Armed Forces of Her Majesty or of her Majesty's Allies.
- 10.2 In order to confirm that a deceased person is eligible to be interred in a Field of Honour, the licensee must provide proof of:
- a. The deceased person's service number; and
  - b. Copies of supporting documents from Department of Veterans Affairs Act R.S.C., 1985, c. V-1; or
  - c. An affidavit identifying the deceased person as a veteran as defined under the Department of Veterans Affairs Act R.S.C., 1985, c. V-1.
- 10.3 No person other than a veteran as defined under the Department of Veterans Affairs Act R.S.C., 1985, c. V-1 or his/her immediate family shall be permitted to be interred in a Field of Honour.

- 10.4 Immediate family members as defined by the Department of National Defence will be permitted to be buried in the Field of Honour provided that the Veteran is interred first and they are buried in the same plot as the veteran. Immediate family members, unless a veteran themselves, will not be allowed to purchase and be buried in a separate plot within the Field of Honour;
- a. Opening and closing fees for the interment is the responsibility of the family.
- 10.5 Where there are "war dead" as defined by the Commonwealth War Graves Commission, only monumental features or structures approved by the Commonwealth War Graves Commission shall be placed or constructed within the Field of Honour on that grave.

## **11. DISINTERMENT**

- 11.1 No cremated remains within an urn shall be disinterred from the cemetery unless the Supervisor:
- a. Has received written request for disinterment from the authorized person/licensee;
  - b. Has received payment of all applicable fees and charges, as set out in the Fees, Rates, and Charges Bylaw 1551;
  - c. A disinterment permit is only required when disinterring, relocating, or handling of cremains (urn) when the urn is within a casket;
  - d. All records shall be updated according to the movement of the cremated remains/urn.
- 11.2 No human remains within a casket shall be disinterred from the cemetery unless the Supervisor:
- a. Has received written request for disinterment from the authorized person;
  - b. Has received payment of all applicable fees and charges, as set out in the Fees, Rates, and Charges Bylaw 1551; and
  - c. Has received a disinterment permit in compliance with the Vital Statistics Act, as may be amended from time to time;
  - d. All records shall be updated according to the movement of the human remains.
- 11.3 All disinterments in the cemetery shall be under the authority of the Supervisor or his/her designate.
- 11.4 A licensed funeral director shall be present during disinterment and the Royal Canadian Mounted Police (RCMP) is to be advised.
- 11.5 The authorized person requesting a disinterment shall give complete and precise written instructions. The Town shall not be liable or responsible for any errors or omissions in relation to a disinterment when the instructions provided to the Town were incomplete, incorrect or lacked specificity.
- 11.6 The Town is not responsible for damage to any casket, urn, vault, grave liner, rough box, cover, or monument sustained during disinterment. All damages shall be repaired and/or replaced within a timely manner at the cost of the authorized person who requested the disinterment and/or re-interment.
- 11.7 A replacement casket or urn supplied by a licensed supplier, may be required to reinter the disinterred remains, the cost of which shall be payable by the authorized person/licensee.
- 11.8 The authorized person shall be responsible for all costs associated with the disinterment, as per the Rates, Fees, and Charges Bylaw 1551.
- 11.9 The authorized person, in conjunction with a licenced Funeral Director, is responsible for the transportation and control of the remains.
- 11.10 A re-interment permit as per the Vital Statistics Act is required, where applicable.

## **12. MONUMENTS**

- 12.1 Installation of two (2) monuments as defined in Schedule A, may be installed on any one plot as follows:
- a. One (1) upright or pillow and,
  - b. One (1) flat monument.

- 12.2 All monuments shall be supplied by the Licensee in accordance with this Bylaw, with the exception of niche fronts.
- 12.3 All monuments must be constructed of granite, unless otherwise approved prior to installation; flat monuments shall be made of granite or bronze.
- 12.4 The Supervisor, upon receiving written request from the licensee for the placement or installation of a monument, may request such information as may, in the opinion of the Supervisor, ensure that the monument is placed in a manner that is in accordance with this Bylaw and any applicable Town policy, and may place conditions upon any approval granted.
- 12.5 No monument shall be delivered to, installed, erected, or placed in the cemetery unless:
- a. The Supervisor has confirmed that the monument complies with this Bylaw and any applicable Town policies;
  - b. The monument is installed by a monument supplier under the direction of the Supervisor; and
  - c. The applicable fees and charges have been paid, as per the Fees, Rates, and Charges Bylaw 1551.
- 12.6 Notice must be given to the Town of Whitecourt Administration Office three (3) business days prior to any work with regard to the installation, repairs to, or on-site inscription of a monument. Administration will arrange with maintenance staff any requested work required prior to any monument related work.
- a. The licensee is responsible for the restoration or repair of any damage to the monument during shipping and off-loading by the monument supplier.
- 12.7 Due to weather conditions, installation of monuments may not occur from November 1 to April 30.
- 12.8 No fixture of any type, such as pictures, ornamentation, or similar items may be attached or affixed in any manner whatsoever to any part of a monument, other than as approved prior to installation within the cemetery.
- a. Letter boards, or memorial designed of any description designating grave, will not be permitted. Only the standard temporary marker provided by the funeral home or the Town shall be permitted. The standard temporary marker provided by the funeral home or Town will be removed after a period of two years from the date of interment or inurnment.
  - b. Vases must be secured to the monument.
- 12.9 Licensees are responsible to ensure that monuments are maintained in a proper state of repair.
- a. If, in the opinion of the Supervisor, any monument is in a state of disrepair which may pose a hazard or risk to the public or is detrimental to the maintenance of the cemetery, the Supervisor may issue the licensee, at his/her last known mailing address, 30 days' written notice requiring the monument to be repaired or removed. If the monument has not been repaired or removed in accordance with the written notice, then the Supervisor may remove the monument from the cemetery, at the cost of the licensee.
- 12.10 After a reasonable effort has been made to contact the authorized persons, any unauthorized monument may be removed by the Supervisor at the cost of the licensee of the Monument.
- 12.11 Where two persons are buried side by side in adjacent grave plots, a monument which provides for the commemoration of both persons may be installed, provided that the single monument is set midway between the two grave plots, as seen in schedule "A" Monument Guidelines.
- 12.12 Grave covers are not permitted to be installed except to match an existing grave cover on the adjacent plot of a spouse or immediate family member. A concrete grave liner must be placed at time of interment to reduce the risk of collapsing.
- 12.13 Inscription of the columbarium will be permitted only on the granite front provided for the niche; double inscriptions are allowed where a double inurnment is indicated. All fees, rates, and charges associated with the inscription are to be paid prior to the shipping of the granite slab. Inscriptions shall contain:
- a. Surname and given name(s);
  - b. Year of birth;



- c. Year of death; and
- d. A brief epitaph is optional.

12.14 Summit Memorials is the sole provider for niche fronts inscriptions, with arrangements for inscriptions to be made through the Town Administration Office.

12.15 No inscription shall be placed on any monument which in the opinion of the Supervisor is not in keeping with the dignity and decorum of the cemetery.

### **13. GENERAL**

13.1 Cut flowers, wreaths, floral offerings, or artificial flowers or other articles may be placed on grave plot, within a vase or in designated common areas for columbaria. These articles will be removed by the Supervisor, without notice, thirty (30) days after interment/inurnment, or when their condition is considered to be detrimental to the aesthetics of the cemetery or for the purpose of regular cemetery maintenance.

13.2 No person shall plant any shrubs, trees, bulbs, flowers or add solar lights, statues, ornamentation, or fences in any part of the cemetery except the Supervisor. Unauthorized planted plant material will be removed by the Supervisor.

13.3 The Supervisor may remove from the cemetery, without notice, any unauthorized item(s) referenced in Section 13.2 of this Bylaw.

13.4 Cut or artificial flowers are permitted to be placed in a niche vase; all other items will be removed.

13.5 Columbarium niche vases must be purchased from and installed by the Town.

13.6 No person shall drive in the cemetery at a speed in excess of 15km/h and may only drive a vehicle upon the roadway provided for that purpose. The owner of any vehicle shall be responsible for any damage caused by the vehicle within the boundaries of the cemetery.

13.7 No vehicle shall be driven over any lawns, gardens, or flower beds unless permitted by the Supervisor.

13.8 The operation of any vehicle with a trailer within the cemetery without first obtaining written permission from the Supervisor, is not permitted.

13.9 The use of an all-terrain vehicle, snowmobile, or horse in the cemetery shall not be permitted within the cemetery except as part of an authorized funeral procession.

13.10 All persons and funeral processions in the cemetery shall obey the instruction of the Supervisor.

13.11 No person shall carry or discharge firearms in the cemetery unless such person is participating in a military funeral and has lawful authority to bear such a firearm.

13.12 No person shall create any nuisance, engage in activities such as games or sport, or otherwise engage in any activity that is, in the opinion of the Supervisor, or a Peace Officer, indecent or disrespectful or disturbing to the solemnity or repose of the cemetery, or disturbing of other persons assembled for the purpose of a funeral or interment within the cemetery.

13.13 Any person not behaving with proper decorum within the cemetery or who is otherwise disturbing the peace and quiet of the cemetery may be evicted by the Supervisor.

13.14 No person shall throw, abandon or dispose of rubbish anywhere within the cemetery, except in the receptacles specifically provided for such a purpose by the Town.

- 13.15 No person shall destroy, damage, alter, write on, deface, or remove any monument, structure, fence, or railing or other work for the protection, maintenance, or ornamentation of the cemetery, columbarium, or grave plot, or any vehicle, building, machinery, tool, equipment, or any other material placed or left in the cemetery, except as directed by the Supervisor.
- 13.16 No person having care, control or ownership of a domestic animal, shall allow or permit that animal to be present within the boundaries of the cemetery. This section does not apply to service dogs.
- 13.17 No person shall be in the cemetery at any time other than the operating hours, dusk to dawn, seven days a week, except as permitted by the Supervisor.
- 13.18 Children under the age of twelve years must be accompanied by an adult, who shall be responsible for the child's good conduct.
- 13.19 No gratuities shall at any time be given to any officer, contractor, or employee of the Town, nor shall any reward be given for any personal service or attention.
- 13.20 Selling flowers or plants or soliciting the sale of any commodity or advertising of any sort in the Cemetery is prohibited, except as permitted by the Town.
- 13.21 Nothing in this Bylaw relieves a person from compliance with any and all applicable federal and/or provincial laws and/or regulations, and/or other bylaws and/or regulations of the Town.
- 13.22 The Town is not liable for exercising its discretion to not take action pursuant to this Bylaw if that decision is made in good faith.
- 13.23 Nothing in this Bylaw shall restrict the Town's rights at common law under any applicable legislation to enforce its rights and obligations with respect to the cemetery.

#### **14. OFFENCES**

- 14.1 Any person who contravenes a provision of this Bylaw is guilty of an offence and is liable upon summary conviction to the specified penalty for that offence as set out in Schedule B of this Bylaw.
- 14.2 Notwithstanding section 14.1 of this Bylaw, any person who commits a second or third offence under this Bylaw within one (1) year of committing a first offence under this Bylaw, is liable on summary conviction to the fine as set out in Schedule B of this Bylaw, for the offence.
- 14.3 Each day that a contravention continues constitutes a separate offence under this Bylaw.

#### **15. VIOLATION TAGS AND TICKETS**

- 15.1 A Peace Officer is hereby authorized and empowered to issue violation tags to any person whom the Peace Officer has reasonable and probable grounds to believe has contravened a provision of this Bylaw.
- 15.2 A violation tag may be issued to such person:
- a. Either personally; or
  - b. By mailing a copy, via registered mail, to such person at his/her last known postal address.
- 15.3 The violation tag shall be in a form approved by the CAO and shall state:
- a. The name of the person;
  - b. The offence;
  - c. The appropriate penalty for the offence as specified in the Town of Whitecourt Fees, Rates, and Charges Bylaw 1551;
  - d. That the penalty shall be paid within 21 days of the issuance of the violation tag; and
  - e. Any other information as may be required by the Town.

- 15.4 Where a violation tag is issued pursuant to this Bylaw, the person to whom the violation tag is issued may in lieu of prosecution of the offence, pay the Town the penalty specified in the violation tag.
- 15.5 A Peace Officer is hereby authorized and empowered to issue violation tickets to any person who the Peace Officer has reasonable grounds to believe has contravened a provision of this Bylaw.
- 15.6 A violation ticket issued with respect to a contravention of this Bylaw shall be served upon the person responsible for the contravention in accordance with the Provincial Offences Procedure Act.
- 15.7 The person to whom the violation ticket has been issued may plead guilty by making a voluntary payment in respect of the summons by delivering the Provincial Court, on or before the initial appearance date, the violation ticket together with an amount equal to the specified penalty for the offence as provided for in the Town of Whitecourt Fees, Rates, and Charges Bylaw 1551.
- 15.8 When a clerk of the Provincial Court records the receipt of a voluntary payment pursuant to this Section and the Provincial Offences Procedure Act, the act of recording constitutes acceptance of the guilty plea and constitutes a conviction and the imposition of a fine in the amount of the specified penalty.

**16. SEVERABILITY**

- 16.1 Should any provision of this Bylaw be invalid, then such provision shall be severed, and the remaining Bylaw shall be maintained.

**17. EXISTING RIGHTS NOT AFFECTED**

The enactment of this Bylaw shall not affect any right, privilege, obligation or liability acquired, accrued, accruing or incurred prior to the coming into force of this Bylaw and every decision, order, license, permit and approval issued or declared prior to this Bylaw coming into force shall continue and be deemed to have been made under this Bylaw.

**18. REPEAL OF PREVIOUS BYLAW**

Bylaw No. 1470 and amendments thereto, shall be rescinded in their entirety effective the coming into effect of Bylaw 1563.

**19. EFFECTIVE DATE**

This Bylaw shall come into force and take effect when it receives third reading and is duly signed.

READ a first time this 25<sup>th</sup> day of January, 2021

READ a second time this 25<sup>th</sup> day of January, 2021

READ a third and final time this 25<sup>th</sup> day of January, 2021

Redacted under Section 17 of the FOIP Act.

Mayor

Redacted under Section 17 of the FOIP Act.

Chief Administrative Officer

Signed by the Mayor and Chief Administration Officer on this 4 day of February, 2021.

## Schedule A

### Monument Guidelines

All monuments must be granite except for flat monuments which may also be made of bronze. Design and dimensions to be approved by Supervisor.

#### 1. Definitions

- 1.1 Flat monument is a monument made of granite or bronze, set flush in the ground so that the face of the monument is flush with the ground, with a foundation border.
- 1.2 Pillow monument is a style of monument made of granite that is either flat or sloped from back to front and may sit on a granite base.
- 1.3 Upright monument is an upright structure made of granite, traditionally set on a granite base.

#### 2. Dimensions

<b>Pillow Monuments:</b>	<b>Length Maximum</b>	<b>Width Maximum</b>	<b>Height Maximum</b>
<b>Base:</b> *not to be less than 4" nor more than 12" longer or wider than the tablet.	48"	18"	8"
<b>Tablet:</b>	As allowed by the base size, with a maximum height of 24".		
<b>Upright Monuments:</b>	<b>Length Maximum</b>	<b>Width Maximum</b>	<b>Height Maximum</b>
<b>Base:</b> *not to be less than 4" nor more than 12" longer or wider than the die.	48"	18"	8"
<b>Tablet:</b>	As allowed by Base	6"	24"
<b>Flat Monument within plot</b>	<b>Length Maximum</b>	<b>Width Maximum</b>	<b>Depth Maximum</b>
<b>Foundation with 3" border</b>	48"	18"	4"
<b>Tablet:</b>	45"	15"	2"

#### 3. Niche Fronts

- 3.1 Shall be engraved in Modified Roman font
- 3.2 Shall contain:
  - a. Surname;
  - b. Given name(s);
  - c. Year of birth; and
  - d. Year of death.

3.3 When a niche compartment is used for a double inurnment, a double inscription shall be allowed. Double inscriptions shall contain the same information as single inscriptions, for both deceased.

**4. Grave Plots**

4.1 Where multiple adjacent plots exist for the interment of individuals from the same family a single "joint monument/family monument" may be placement midway between plots. At no time shall the monument exceed two thirds of the combined total width of the plots.

## Schedule B

### Violation Penalties

The following Schedule B outlines the penalties that may be charged to a person(s), if they are found to be in violation of any section of this Bylaw.

<b>Offences</b>	<b>Violation Tag</b>	<b>Violation Ticket</b>
<b>First Offence</b>	\$300	\$300
<b>Second Offence</b>	\$600	\$600
<b>Third and Subsequent offence</b>	\$1,500	\$1,500