
BEING A BYLAW OF THE TOWN OF BLACKFALDS IN THE PROVINCE OF ALBERTA TO ESTABLISH AUTHORITY FOR THE BLACKFALDS CEMETERY

A Bylaw of the Town of Blackfalds, in the Province of Alberta, pursuant to the provisions of the *Municipal Government Act*, being Chapter M 26.1 of the Revised Statutes of Alberta, 2000 and amendments thereto, for the purpose of regulating the use and disposition of the Cemetery lands and property within the Town of Blackfalds.

WHEREAS the *Municipal Government Act*, RSA 2000, Chapter M-26, as amended or repealed and replaced from time to time, authorizes a Municipality to provide regular services provided by or on behalf of a Municipality.

AND WHEREAS, the *Cemeteries Act*, RSA 2000, Chapter C-3, as amended or repealed and replaced from time to time and the regulations passed thereunder, requires a Municipality which owns and operates cemeteries within its boundaries to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;

AND WHEREAS the *Cemeteries Act*, RSA 2000, Chapter C-3, as amended or repealed and replaced from time to time and the regulations passed thereunder, requires every operator of a cemetery to make bylaws, including bylaws respecting the organization, operation and management and the rights, privileges and responsibilities of the cemetery operator.

NOW THEREFORE, the Municipal Council of the Town of Blackfalds, duly assembled hereby enacts:

PART 1 - TITLE

- 1.1 That this Bylaw shall be cited as the "**Cemetery Bylaw**".
- 1.2 Schedule "A" shall form part of this Bylaw as the established fees and charges for services provided under this Cemetery Bylaw.
- 1.3 Schedule "B" shall form part of this Bylaw as the concrete foundations required for mounting upright Monuments and flat Markers.

PART 2 - DEFINITIONS

- 2.1 In this Bylaw:
 - a. "**Act**" means the *Cemetery Act*, RSA 2000, Chapter C-3, as amended, repealed or replaced from time to time;
 - b. "**Base**" shall mean the structure utilized to support a Monument or Marker and shall be constructed of concrete, granite, marble or slate and shall be a minimum of 150mm thick and placed so as to be level with the adjacent ground level and shall be 150mm wider than the base of the Monument or Marker that it supports;
 - c. "**Burial Permit**" means a permit for burial issued by the Town of Blackfalds under the *Vital Statistics Act*, S.A. 2007, c V-4.1, as amended;
 - d. "**Burial Lot**" means a single Grave Lot within a Plot, measuring 3.66m (12') in length and 1.83m (6') in width and used for the purposes of interment of a casket;
 - e. "**Cemetery Attendant**" shall mean the designated staff member of the CAO in the Town of Blackfalds, and unless the context otherwise implies, any person authorized to carry out his/her duties;
 - f. "**Cemetery**" means the Cemetery in the Town known as the Town of Blackfalds Cemetery which is owned and operated and under the control of the Town of Blackfalds. The Cemetery contains Burial Plots, Cremation Plots, and a Columbaria;

- g. "**Cremation Lot**" means one-third of a single Grave Lot measuring 1.84m in width and 1.23m in length and used for the purposes of Interment of cremated remains;
- h. "**Cremation Urn**" means an approved vessel used to hold ashes from cremated human remains, required for cremated remains to be placed in the Columbaria Niche;
- i. "**Columbaria**" means multiple Columbarium;
- j. "**Columbarium**" means a structure designed for storing the ashes of deceased human bodies or other human remains that have been cremated;
- k. "**Deed**" means the application for a Burial Lot deed;
- l. "**Employee**" means the Town employee actually working at the cemetery under the instruction and supervision of the Town;
- m. "**Funeral Director**" means any registered or licensed embalmer or mortician who holds a funeral director license issued under the *Funeral Services Act*, R.S.A. 2000, c.F-29;
- n. "**Grave**" means a Lot used as a place of burial of human remains or cremated human remains;
- o. "**Grave Decoration**" means anything placed on a grave for memorial purposes;
- p. "**Grave Liner**" means a concrete liner utilized to encase a casket;
- q. "**Holiday**" means all holidays proclaimed or adopted by the Town;
- r. "**Interment**" means, in a manner prescribed by the Act and this Bylaw, placing human remains in a suitable container underground, or cremated human remains in a suitable container underground or within a Niche in the Cemetery;
- s. "**Lot**" means a parcel within a Plot;
- t. "**Marker**" means a flat structure constructed of bronze, granite, marble or slate placed on a base for memorial purposes;
- u. "**Monument**" means any upright structure constructed of granite, marble, or slate and placed on a base for memorial purposes;
- v. "**Niche**" means a single compartment of a columbarium large enough to house one or two cremation urns;
- w. "**Non-Resident**" means a person who, immediately prior to his or her death or his or her application to purchase a Lot did not live within the Town of Blackfalds or Lacombe County;
- x. "**Perpetual Care**" means the upkeep of the Cemetery, including the maintenance and repair of Town owned infrastructure and excludes privately owned monuments, memorial plaques, and Grave liners, except as the Town, at its sole discretion, deems appropriate;
- y. "**Perpetual Care Fee**" means the one-time fee charged to the purchaser for the purpose of providing perpetual care of the Cemetery;
- z. "**Plot**" means four (4) Lots, as shown on a Cemetery plan on record in the Towns Municipal Office;

- aa. **"Resident"** means a person who has been ordinarily living in the Town and has resided in the Town immediately preceding his or her death or his or her application to purchase a Lot;
- bb. **"Town"** means the Town of Blackfalds, in the Province of Alberta;
- cc. **"Urn"** means an approved vessel used to hold ashes from cremated human remains;
- dd. **"Vault"** means a concrete structure used to encase a casket; and
- ee. **"Working Hours"** means regular hours of work from 8:30 a.m. to 4:30 p.m. each day, Monday through Friday, excluding holidays.

PART 3 - DUTIES, RIGHTS AND POWERS OF THE CAO

- 3.1 The CAO may delegate any or all powers of this Bylaw to a designate.
- 3.2 All the powers granted to the Employees by this Bylaw shall be subject to the supervision and control of the Town.
- 3.3 The Town shall have the authority to order that the Graves in any particular section of the Cemetery shall be laid in any direction the Town may consider suitable.
- 3.4 The Town shall have the authority to remove any Grave Decoration designs or floral pieces which may become wilted, or any other article or thing after the expiration of five (5) days of placement or as deemed appropriate.
- 3.5 The Town shall ensure that no person shall disturb the quiet or good order of the Cemetery and will ensure that it is maintained.
- 3.6 A member of the Royal Canadian Mounted Police or any Employees of the Town, or the Bylaw Enforcement Office/Peace Officer may evict therefrom, using such force as is reasonably necessary, or deny entrance to any person who contravenes paragraph 3.5 above.

PART 4 - PLOTS, LOTS AND NICHEs

- 4.1 The Cemetery plans of the Plots, Lots and Niches made available by the Town for burial purposes are kept on record in the municipal office of the Town, together with subsequent plans of Cemetery lands approved by the Town. All burial records are maintained at the municipal office in accordance with such plans.
- 4.2 A Burial Lot Deed is provided to the purchaser upon purchase of a Burial Lot or Niche. The purchase price for Burial Lots and Niches shall be as established in Schedule "A" attached hereto.
- 4.3 Burial Lots are identified by Plot number and Lot number and have dimensions of:
 - 4.3.1 3.66m by 1.83m for full Lots (12' x 6'); and
 - 4.3.2 1.83m by 1.23m for Cremation Lots (6' x 4');
 - 4.3.3 Columbaria Niches are sized .30m H x .30m W x .35m D (12"x12"x14") and Urns should be sized small enough to ensure the Niche can hold one or two Urns.
- 4.4 The Town of Blackfalds shall administer all sales of Deeds and Interments in the Cemetery and receive all monies from the sales. Upon payment by any person of the full price of any Deed, the Town shall furnish such person with a receipt for the sum paid.

- 4.5 No Deed shall be resold to any other party; however, Deeds may be transferred from one family member to another family member, but no transfer shall be valid unless such transfer is duly registered with the Town.
- 4.6 Notwithstanding Section 4.5, a Burial Lot Deed may be exchanged or transferred back to the Town, upon which the owner shall be entitled to a refund of the original purchase price, less an administration fee of 15%.
- 4.7 No Plots or Niches shall be used for any purpose other than the burial of human bodies and the cremated remains of human bodies.
- 4.8 The Town shall not be liable for damages resulting from theft, vandalism or damage, howsoever caused to Monuments erected upon a Burial Plot, Lot or Niche.

PART 5 - BURIALS

- 5.1 No Interment shall be permitted until a Burial Application and Permit has been completed and given to the municipal office.
- 5.2 Whenever a Lot or Niche is held by two or more persons, an order for Interment in such Lot or any part thereof will be accepted by the Town from any one of the said persons or their personal representative, as indicated on Burial Application and Permit.
- 5.3 Between the dates of May 1 and October 31 inclusive in any year, all applications for burials shall be made to the Town at least forty-eight (48) hours before the time for the Interment.
- 5.4 Between the dates of November 1 of one year and April 30 of the following year inclusive, all applications for burials shall be made at least seventy-two (72) working hours before the time for Interment.
- 5.5 The Deed holder or the person instructing the Town to open a Grave shall give complete and precise instruction, and the Town shall not be responsible for any errors resulting from the lack of proper instruction.
- 5.6 Excavation for all Lots, including for cremation burial, must be carried out by Employees or designates of the Town.
- 5.7 Interment of cremated remains into Columbaria Niches will be undertaken by the Funeral Director or designate granted by the family of the deceased. An Employee of the Town must be in attendance for the opening and closing of Columbaria Niches.
- 5.8 No person or persons not under the control or supervision of the Town shall open any Grave for the purpose of interring or removing a body.
- 5.9 The burial of cremated remains shall be in areas of the Cemetery as designated by the Town.
- 5.10 The cremated remains of up to three (3) additional persons are to be buried in the same Grave Lot in which a body is or is to be buried and shall be placed adjacent to the Monument.
- 5.11 The cremated remains of a maximum of three (3) persons shall be allowed on a Cremation Lot. The cremated remains of a maximum of six (6) persons shall be allowed on a Grave Lot.
- 5.12 No burial of cremated remains on designated Cremation Lots on which an existing Monument is erected shall be allowed between November 1 of one year and April 30 of the following year.

- 5.13 No additional Interments shall be permitted in any Lot in the Cemetery on which there are unpaid charges due and payable to the Town.
- 5.14 Burials or Interments shall not take place at the Cemetery anytime during a funeral or burial service at such Cemetery.
- 5.15 All work in the immediate vicinity of a Grave shall be discontinued during a burial service.
- 5.16 The Town requires the use of a concrete Grave Liner, for all burials.

PART 6 – MONUMENTS

- 6.1 All persons employed in the construction and erection of Monuments or doing other work in the Cemetery, whether employed by the Town or not, shall be subject to the direction and control of the Town.
- 6.2 No Monument or Marker shall be placed on a Plot or Lot until an application is made to the municipal office and a Burial Permit has been issued by the Town.
- 6.3 Monuments shall be constructed of granite, marble or slate and have dimensions not to exceed 1.83m wide x .46m deep x 1m high.
- 6.4 Markers shall be constructed of granite, marble, slate or bronze and have dimensions not to exceed 1.83m wide x .46m deep x .20m high.
- 6.5 Bases for Monuments shall be constructed of concrete or the same stone material as the Monument or marker that it supports. Placement shall be done so in a manner as to maintain whenever possible, a proper alignment consistent with Grave Monuments on adjacent Lots. Bases shall be a minimum of 150mm thick, and placed so as to be level with the adjacent ground level and shall be 150mm wider than the base of the Monument or Marker that it supports.
- 6.6 Persons erecting Monuments shall ensure that such Monuments are firmly secured to the foundation with glue and/or setting compound.
- 6.7 Monuments with Urns attached are prohibited.
- 6.8 Markers may be utilized on regular Lots where cremated remains are also interred.
- 6.9 Not more than (3) three memorials shall be placed upon a single Lot, with a Monument placed at the head of the Grave and the second and third structures being that of Markers.
- 6.10 All memorials for Cremation Lots shall be Markers.
- 6.11 All foundations and Monuments not installed in strict conformance to this Bylaw shall be removed at the request of the Town within five (5) working days.
- 6.12 Whenever the owner of a Monument neglects to make the required repairs or alterations to a Monument within thirty (30) days after receiving written notice from the Town to do so, the Town shall have the power to repair such Monument and charge the cost thereof to the living owner or family members, if possible, which may be recovered as a debt to the Town.
- 6.13 Niche Plates:
 - 6.13.1 Niche plate, first engraving, and first open/close is included in the purchase of the Niche;
 - 6.13.2 Engraving will be completed upon payment of Burial Permit fees and a completed and signed Blackfalds Niche Plate Engraving Form;

6.13.3 Engraving will be managed by the Town of Blackfalds at their certified engraving vendor;

6.13.4 Engraving shall follow these specifications:

- 6.13.4.1 Last Name: 1 ¼" (or smaller if name length over 11 spaces)
- 6.13.4.2 Given Name(s): 7/8" (or smaller if name length over 16 spaces)
- 6.13.4.3 Year Birth/Death: 5/8" Month DD, YYYY (format)
- 6.13.4.4 Epitaph: 5/8" 19 spaces per line (2 lines max.)

6.13.5 Engraving shall be in white colour only; and

6.13.6 Engraving will be completed by the qualified vendor secured by the Town of Blackfalds;

- 6.13.6.1 Second engraving cost will be the responsibility of the purchaser of the Niche;
- 6.13.6.2 Engraving must follow the guidelines in the Memorial Niche Plate Engraving form;
- 6.13.6.3 Niche Plates shall only have one engraved design or an epitaph;
- 6.13.6.4 Surface attachments are not permitted on the curved Columbaria Niche plates;

PART 7 - VISITORS

- 7.1 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.
- 7.2 No person shall drive any vehicle through the Cemetery at a speed more than twenty (20) km/h.
- 7.3 The Town may prohibit the driving of vehicles in any part of the Cemetery.
- 7.4 The Town may prohibit the driving of any vehicle in the Cemetery when the roads are in an unfit condition.
- 7.5 The owner of any moving vehicle shall be responsible for any damage done by such vehicle within the boundaries of the Cemetery.

PART 8 - GENERAL PROVISIONS

- 8.1 No person shall:
 - 8.1.1 Erect fences, railings, walls, copings, hedges, or use landscape rock in or around any Plot or Lot;
 - 8.1.2 Destroy, damage, deface or write upon any monument, or other structure or object in the Cemetery;
 - 8.1.3 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; and
 - 8.1.4 Remove the sod in Graves or from any portion of any Plot in the Cemetery without first obtaining the consent of the Town.

- 8.2 All grading, seeding of grass and sodding work shall be done under the direction of the Town and by Employees of the Town.
- 8.3 No person, other than an Employee of the Town, the owner of a Deed or his agent, shall be permitted to care for any Plot, Lot or Niche in the Cemetery.
- 8.4 No animals shall be allowed in the Cemetery unless such animal is on a leash and under the control of an adult person over the age of 18.

PART 9 – PENALTY

- 9.1 Any person who commits a breach of any of the provisions of this Cemetery Bylaw shall, on conviction for such breach, be liable to a penalty of not less than One Hundred (\$100.00) Dollars and not exceeding One Thousand (\$1,000) Dollars exclusive of costs, or in the case of non-payment of the fine and cost imposed to imprisonment for any period not exceeding sixty (60) days;

PART 10 - REPEAL

- 10.1 That Bylaw 1180/14 is hereby repealed upon this Bylaw coming into effect.

PART 11 - DATE OF FORCE

- 11.1 That this Bylaw shall come into effect, upon the date on which it is finally read and passed.

READ for the first time this 27th day of August, A.D. 2024.

(RES. 253/24)

-Original Signed-

MAYOR JAMIE HOOVER

-Original Signed-

CAO KIM ISAAK

READ for the second time this 10th day of September, A.D. 2024.

(RES. 259/24)

-Original Signed-

MAYOR JAMIE HOOVER

-Original Signed-

CAO KIM ISAAK

READ for the third and final time this 24th day of September, A.D. 2024.

(RES. 270/24)

-Original Signed-

MAYOR JAMIE HOOVER

-Original Signed-

CAO KIM ISAAK

BYLAW 1313.24 - SCHEDULE "A"
CEMETERY FEES

Grave Plots (4 Lots per Plot)

Single Lot - Resident	\$600.00
Single Lot - Non- Resident	\$800.00
Perpetual Care	\$200.00

Cremation Plot (Up to 12 Lots per Plot)

Single Lot - Resident	\$300.00
Single Lot - Non-Resident	\$500.00
Perpetual Care	\$100.00

Plot/Lot Opening and Closing

Single Lot – Resident	\$600.00	Winter \$700.00 (November 1 – April 30)
Single Lot – Non-Resident	\$800.00	Winter \$900.00 (November 1 – April 30)
Cremation Lot - Resident	\$300.00	Winter \$400.00 (November 1 – April 30)
Cremation Lot – Non-Resident	\$500.00	Winter \$600.00 (November 1 – April 30)

*Second Opening for Cremation Plot on top of Full Lot

Resident	\$300.00	Winter \$400.00 (November 1 – April 30)
Non-Resident	\$500.00	Winter \$600.00 (November 1 – April 30)

*Weekend rate for plot opening/closing will be an additional \$500.00

Columbaria Niche (includes Niche plate, first engraving, and first open/close)

Resident	\$1,750.00
Non-Resident	\$1,950.00
Perpetual Care	\$100.00

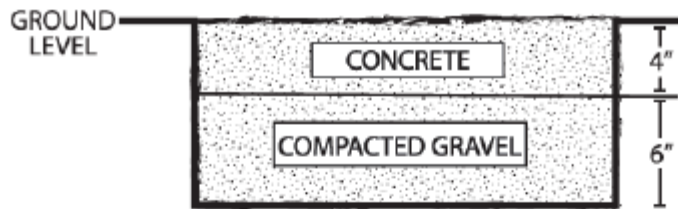
Second Engraving	\$250.00
Artwork (simple)	\$75.00
Custom Artwork	\$140.00

Second Opening	\$100.00
Weekend Second Opening	\$250.00

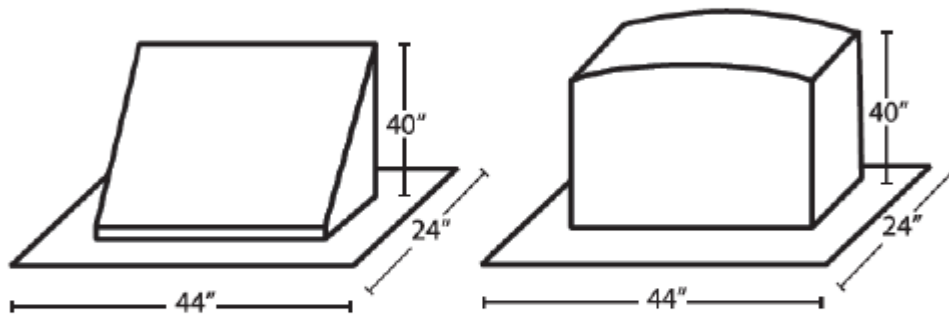
*Weekday first open and close, during regular business hours, is included

*Weekend or Evening (after regular business hours) first open and close shall include an overtime/call-out charge of \$100.00

BYLAW 1313.24 - SCHEDULE "B"
CONCRETE FOUNDATIONS REQUIRED FOR MOUNTING
UPRIGHT MONUMENTS AND FLAT MARKERS



Upright Monuments Specifications



Flat Marker Specifications



UNCERTAIN