

**BY-LAW 3-2010
OF THE
TOWN OF VERMILION
OF THE PROVINCE OF ALBERTA**

BEING A BY-LAW OF THE TOWN OF VERMILION
TO REGULATE AND CONTROL THE OPERATION
OF THE VERMILION PUBLIC CEMETERY AND THE
CATHOLIC CEMETERIES.

WHEREAS, the Town of Vermilion is the owner of the cemetery designated as the Vermilion Public Cemetery situated in the southeast Section 29, Township 50, Certificate of Title No. 217M14;

AND WHEREAS, lands described in Certificate of Title No. 119-H-140, owned by the Catholic Archdiocese of Edmonton, has been established as a Roman Catholic Cemetery which is managed and operated by the Town of Vermilion;

AND WHEREAS, lands described in Certificate of Title No. 148-N-230, owned by the Ukrainian Catholic Episcopal Corporation of Western Canada, has been established as a Ukrainian Catholic Cemetery, which is managed and operated by the Town of Vermilion;

AND WHEREAS, the Council of the Town of Vermilion deems it expedient to pass a By-law to provide for the control, maintenance, management and regulation of all the cemeteries being managed and operated by the Town of Vermilion;

NOW THEREFORE, under the authority of the Municipal Government Act, R.S.A. 2000 and Cemeteries Act, R.S.A. 2000, and amendments thereto, the Council of the Town of Vermilion duly enacts as follows:

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| Short Title | 1 | This By-law may be cited as the Town of Vermilion Cemetery By-law. |
| Interpretation | 2 | In this By-law, <ol style="list-style-type: none">(1) "Council" means the Council of the Town of Vermilion.(2) "Grave lot" or "grave plot", means the portion of land in a cemetery which is sold or provided as a unit for one or more graves.(3) "Monument" means any structure erected or constructed on any grave for memorial purposes. Usually composed of three structures: the foundation, the base and the engraved marker. The Foundation being a supporting structure made of cement or granite on which the monument and/or base rest. The BASE being the intermediate structure (if present) that rests between the foundation and the engraved marker.(4) "<u>Municipal Enforcement Officer</u>" means a member of the Royal Canadian Mounted Police, a member of a municipal police service, a Special Constable appointed by the Town of Vermilion pursuant to the provisions of the <u>Police Act</u>, R.S.A. 2000, c.P-17, as amended or repealed and replaced from time to time, or a Municipal Enforcement Officer appointed by the Town pursuant to the <u>Municipal Government Act</u>.(5) "Public Cemetery" means the cemetery in that portion of the Southeast Section 29-50-6-W4 described in D.C.T. No. 217M14 |

- (6) **"Roman Catholic Cemetery"** means the cemetery in that portion of the Northwest Section of 27-50-6-W4 described in D.C.T. No. 119-H-140.
 - (7) **"Town"** means the Town of Vermilion.
 - (8) **"Ukrainian Catholic Cemetery"** means the cemetery in that portion of the Northwest Section of 27-50-6-W4 described in D.C.T. No. 148-N-230.
 - (9) **"Violation Tag"** shall mean a tag or similar document issued by the Town pursuant to the provisions of the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended or repealed and replaced from time to time. See attached Schedule "A".
 - (10) **"Violation Ticket"** shall mean a ticket issued pursuant to Part 2 of the *Provincial Offences Procedure Act*, R.S.A. 2000, C. P-34, as amended or repealed and replaced from time to time, and any Regulations thereunder. See attached Schedule "A".
- Administration 3
- (1) The Town of Vermilion shall be responsible for the selling of plots in the Public, Roman Catholic and Ukrainian Catholic cemeteries, the keeping and maintaining of records as required by the Cemeteries Act and Regulations made pursuant thereto, and the collection of fees and charges in connection therewith.
 - (2) The Director of Community Services shall be responsible for the general supervision of maintenance and improvements to the cemetery grounds.
 - (3) The Director of Transportation & Utilities shall ensure that graves are opened and closed in a proper manner with each interment.
- Grave Plots 4
- (1) The grave plot prices and the cost of opening and closing a grave shall be set by resolution of Council.
 - (2) Undertakers or other persons concerned must pay the full amount of the purchase price of a grave plot at the time the purchase or reservation is made, and also the interment fees at the time of application for the grave to be opened.
 - (3) The purchaser of a grave plot in the Public Cemetery, Roman Catholic Cemetery and Ukrainian Catholic Cemetery shall be issued with a certificate or document, upon the payment of the prescribed price, showing
 - (a) The name of purchaser
 - (b) The date of the purchase
 - (c) The amount of the sale
 - (d) The location of the grave plot within the cemetery.
 - (4) The owner of a reserved grave plot in the Public, Roman Catholic and Ukrainian Catholic Cemetery, may cancel his reservation, in which case the Town will refund the holder an amount up to 50% of the present days price.
 - (5) The Council may issue an order for the cancellation of a reservation of a grave plot in the Town, providing the Council is satisfied that
 - (a) The grave plot is not used as a burial site,
 - (b) The purchaser has not been heard from for a period of 20 years or more, and
 - (c) Reasonable efforts have been made to locate the purchaser and have failed, but the reverting of the plot back to the Town is subject to the condition that if the purchaser subsequently claims the grave plot, another plot will be provided for him of equal value

- or an amount paid to him equal to the value for the plot so reverted.
- Interments 5 (1) All graves shall be dug to such a depth that a distance of at least three feet (91 cm) intervenes between the top of the casket and the ground surface level.
- (2) More than one body may be interred in one grave plot, providing the top of the uppermost casket is at least three feet (91 cm) below the surface level.
Both caskets must be placed in concrete rough boxes.
- (3) One or more persons, up to a maximum of four(4), cremation remains, may be interred in a grave plot, or cremation remains may be interred within an occupied grave plot. In the defined Urn Garden locations, only one urn per plot will be permitted at single depth.
- (4) All graves for a cremation shall be dug to such a depth that a distance of at least 2 feet intervenes between the top of the urn and the ground surface level.
- (5) No person other than employees of the Town under the supervision of the Director of Public Works and Utilities shall open or close a grave or make a disinterment.
- (6) In all interments, with the exception of cremated remains, caskets shall be placed in an outer receptacle of which the standard of construction shall be, a “concrete” rough box.
- (7) The beneficiaries and/or per stirpes are responsible for maintenance and upkeep of the headstones and existing grave covers.
- Monumental
Regulations 6 (1) All monuments shall be placed at the head of the grave, and only one monument will be allowed for each grave plot.
- (2) All monuments erected shall be provided with a concrete base at least 4 inches (10 cm) in depth, extending on each side of the monument a distance of not less than 6 inches (15 cm), the base to be at a level of the ground surrounding and adjoining the grave plot.
- (3) Flat markers may be placed on a grave plot, at the head or foot, but must be set flush with surrounding ground. All Urn Garden plots must have Flat markers.
- (4) Vertical monuments shall be erected in line with other monuments.
- (5) Grave covers will not be allowed
- (6) No corner stones, fences, railings or other structures shall be permitted on any grave plot.
- (7) No iron or ironworks, glass bottles, earthen jars, metal or wooden boxes or any other such containers containing artificial wreaths or flowers or other memorial tributes shall be allowed and any so placed shall be entirely removed by the Cemetery caretakers.
- (8) All artificial wreaths, flowers and other such tributes left on a grave plot may be removed by the caretaker of the cemeteries after the elapse of at least two months after interment.
- (9) The Town shall be responsible for seeding all the grave surfaces to grass.
- (10) Planting of flowers may be permitted provided they are planted within the perimeter of the grave plot and must be kept free of grass and weeds at all times or the Town shall have the authority to remove them.
- (11) Shrubs and trees shall not be planted in any part of the cemeteries except in areas reserved for such plantings.

- (12) (a) Where the Director of Community Services finds any monument, fence, railing or other structure upon a grave plot in a state of disrepair, unsightly, objectionable or which unduly interferes with the routine cemetery maintenance, he may cause it to be removed or repaired providing reasonable steps have been taken to notify interested persons (i.e. close relatives of the deceased) of the state of the objectional structure and they are not prepared to undertake the requested work.
 - (b) The Director of Community Services may, at his discretion remove any monument, fence or tree erected, placed or planted, by any person not so authorized to do so by a permit or business license.
 - (c) Expenses incurred by the Town to undertake the work as contained in paragraph (a) shall be charged to the interested persons as the case may be, and may be recovered as a debt owing to the Town.
- 7 (1) No person shall erect or place any monument in a grave plot or within the boundaries of the Public, Roman Catholic or Ukrainian Catholic Cemeteries without first having obtained a permit to do so from the Town. Permits will carry a fee of \$40
- Damages 8 The Town shall not be responsible for any damages accidentally or wilfully inflicted to any marker, monument or other structure within the cemeteries.
- Entry
Prohibited 9 The Town shall have the right to prohibit the entry of any person or persons to the cemeteries who do not have related business at the cemetery or for improper or disrespectful conduct.
- Order by
Municipal
Enforcement
Officer 10 Any Municipal Enforcement Officer who finds any person or persons within any of the cemeteries conducting themselves in a manner disrespectful or improper may order such person or persons to leave the cemetery forthwith and failure for the person or persons to obey such order is guilty of an offence under this By-law.
- Wilful
Damage 11 Any person who wilfully defaces or damages any monument, marker, structure, tree, shrub or plant, or who commits a nuisance is guilty of an offence under this By-law.
- Penalty 12 Any person guilty of an infraction of any provision of this By-law shall be liable on summary conviction to a fine of not more than \$500.00 and in default of payment to imprisonment for not more than two months.
- (1) Any Municipal Enforcement Officer is hereby authorized to enforce the provisions of this Bylaw.
 - (2) A Municipal Enforcement Officer is hereby authorized and empowered to issue a Violation Tag to any Person whom the Municipal Enforcement Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
 - (3) A Violation Tag may be issued to such Person:
 - (a) either personally; or
 - (b) by attaching it to the Vehicle in respect to which an offence is alleged to have been committed; or

- (c) by mailing a copy to such Person at his or her last-known post office address.
- (4) A Violation Tag issued pursuant to this Bylaw shall be in a form approved by the Municipal Manager and shall state:
 - (a) the name of the Person or vehicle description and license number;
 - (b) the offence;
 - (c) the appropriate penalty for the offence and specified in Schedule “A” of this Bylaw;
 - (d) the time period in which the specified penalty must be paid in order to avoid prosecution for the alleged offence; and
 - (e) any other information as may be required by the Municipal Manager.
- (5) Where a Violation Tag has been issued pursuant to this Bylaw, the Person to whom the Violation Tag has been issued may, in lieu of being prosecuted for the offence, pay to the Town Director of Finance and Administration, the penalty specified on the Violation Tag.
- (6) Nothing in this Bylaw shall prevent a Municipal Enforcement Officer from immediately issuing a Violation Ticket.
- (7) In those cases where a Violation Tag has been issued, and if the penalty is not paid within the prescribed time period, a Municipal Enforcement Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to either Part II of the Provincial Offences Procedure Act, as is applicable, to any Person whom the Municipal Enforcement Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
- (8) Notwithstanding Section 13.14 of this Bylaw, a Municipal Enforcement Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to either Part II of the Provincial Offences Procedure Act, to any Person whom the Municipal Enforcement Officer has reasonable grounds to believe has contravened any provision of this Bylaw.

13 A Municipal Enforcement Officer is hereby authorized and empowered to issue a Violation Tag to any Person who the Municipal Enforcement Officer has reasonable grounds to believe has contravened any provision of this Bylaw.

14 A Violation Tag may be issued to such Person either:

- (1) personally;
- (2) posted upon the door of the Owner or the Person accused;
- (3) by registered mail of a copy to such Owner or Person at his or her last-known post office address; or
- (4) left with a competent person who resides with the Owner or the Person alleged to have committed such offence.

15 A Violation Tag issued pursuant to this Bylaw shall be in a form approved by the Town Manager and shall state:

- (1) the name of the Owner or Person accused;
- (2) the offence;

- (3) the appropriate penalty for the offence and specified in **Schedule “A”** of this Bylaw;
- (4) the time period in which the specified penalty must be paid in order to avoid prosecution for the alleged offence; and
- (5) any other information as may be required by the Town Manager.

16 Where a Violation Tag has been issued pursuant to this Bylaw, the Person to whom the Violation Tag has been issued may, in lieu of being prosecuted for the offence, pay to the Town’s Director of Finance and Administration, the penalty specified on the Violation Tag.

17 In those cases where a Violation Tag has been issued, and if the penalty is not paid within the prescribed time period, a Municipal Enforcement Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part II of the *Provincial Offences Procedure Act*, as amended or repealed and replaced from time to time, to any Person whom the Municipal Enforcement Officer has reasonable grounds to believe has contravened any provision of this Bylaw.

18 Notwithstanding Section 13 of or anything in this Bylaw, a Municipal Enforcement Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to Part II of the *Provincial Offences Procedure Act*, as amended or repealed and replaced from time to time, to any Person whom the Municipal Enforcement Officer has reasonable grounds to believe has contravened any provision of this Bylaw.

19 Where a Violation Ticket has been issued to a person pursuant to this Bylaw, that Person may plead guilty to the offence by submitting to a Clerk of the Provincial Court, the specified penalty set out on the Violation Ticket at any time prior to the appearance date indicated on the Violation Ticket.

20 Except as otherwise provided in this Bylaw, a Person who is guilty of an offence under this Bylaw for which a penalty is not otherwise provided, is liable, upon summary conviction, to a fine of not more than Five Hundred (\$500.00) Dollars.

21 Where a Municipal Enforcement Officer or other designated officer of the Town has issued an Order pursuant to section 545 of the *Municipal Government Act*, RSA 2000 c.M-26, as amended, repealed and replaced from time to time, for the purpose of enforcing any provision of this Bylaw, any Person to whom the Order has been issued, who fails to comply with the terms and conditions of that Order within the time frame provided, shall be guilty of an offence and shall be liable, upon summary conviction, to a penalty as set out at **Schedule “A”** of this Bylaw.

General 22 Each section of this Bylaw shall be read and construed as being separate and severable from each other section. Furthermore, should any section or part of this Bylaw be found to have been improperly enacted, for any reason, then such section or part shall be regarded as being severable from the rest of this Bylaw and the Bylaw remaining after such severance shall be effective and enforceable.

SCHEDULE "A"

<i>OFFENCE</i>	<i>SECTION</i>	<i>FINE</i>
Unauthorized Excavation	<i>5.05</i>	<i>\$150.00</i>
Unauthorized Markings	<i>6.07</i>	<i>\$100.00</i>
Unauthorized Structures	<i>6.12 (b)</i>	<i>\$200.00</i>
Unlawful Entry	<i>9.0</i>	<i>\$200.00</i>
Littering	<i>11.0</i>	<i>\$150.00</i>
Throwing Objects	<i>11.0</i>	<i>\$100.00</i>
Damage to Trees, Shrubs or Flowers	<i>11.0</i>	<i>\$200.00</i>
Interference with Public or Private Property	<i>11.0</i>	<i>\$250.00</i>
Failure to Clean Up or remove material	<i>11.0</i>	<i>\$150.00</i>