

**BYLAW 13-030  
OF  
LAC LA BICHE COUNTY**

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A BYLAW OF LAC LA BICHE COUNTY IN THE PROVINCE OF ALBERTA TO PROVIDE FOR THE PURPOSE OF PROVIDING REGULATIONS FOR THE USE, CARE AND MAINTENANCE OF A MUNICIPAL CEMETERY.

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WHEREAS under the authority and pursuant to the Municipal Government Act, Chapter M 26, R.S.A. 2000, and amendments thereto, Council may deem it advisable to control the operations, fees and regulations of the municipal cemetery;

AND WHEREAS the Council of Lac La Biche County deem it proper to repeal Bylaw 09-034;

NOW THEREFORE under the authority and pursuant to the provisions of the said Municipal Government Act, and by virtue of all other enabling powers, the Council of Lac La Biche County, duly assembled, enacts as follows:

**1. TITLE AND INTERPRETATION**

1.1 Section A

This Bylaw may be cited as Lac La Biche County's Cemetery Bylaw.

1.2 Section B

In this Bylaw, unless the context otherwise requires, the word, term or expression:

- a) **"Administration"** means the employee of Lac La Biche County who has been assigned administrative duties by the Chief Administrative Officer, or designate.
- b) **"Burial Permit"** means a burial permit issued under the *Vital Statistics Act*, R.S.A. 2000, c. V-4, as amended;
- c) **"Caretaker"** means the employee of Lac La Biche County who has been assigned duties by the Chief Administrative Officer, or designate;
- d) **"Cemetery"** shall mean the land owned and operated under the control of Lac La Biche County which is set apart for or used as a place for the interment of the dead or which human bodies have been buried;
- e) **"Closing"** shall mean the replacement of aggregate into the area in 'opening';
- f) **"Columbarium"** means a structure within the cemetery designed for storing the ashes of dead human bodies or other human remains that have been cremated;

- g) **“Council”** means the Council of Lac La Biche County;
- h) **“Funeral Director”** means any registered or licensed embalmer or mortician and must be a member of the Alberta Funeral Director Association;
- i) **“Lot”** means a single grave site in the cemetery subdivided for the purpose of burial;
- j) **“Marker”** means a grave marker set into and flush with the surface of the grave that must be within a runner on a temporary basis;
- k) **“Monument”** means any permanent structure in the cemetery erected or constructed on any grave or lot for the purpose of memorial;
- l) **“Opening”** shall mean the excavation of an appropriate sized lot in an assigned location for the purpose of interment of human remains;
- m) **“Religious Denomination”** means an organized society, association or body of religious believers or worshippers professing to believe in the same religious doctrines, dogmas or creed and closely associated or organized for religious worship or discipline or both;
- n) **“Rubbish”** shall mean weeds, grass, funeral design or floral piece or any other article which results in an untidy appearance to any part of the ground of the cemetery;
- o) **“Working Days”** shall mean any day Monday to Friday during normal working hours except where a Statutory Holiday or Civic Holiday falls on any one of those days.

## **2. ADMINISTRATION**

- 2.1. The sale of lots in the cemetery shall be under the direction of Lac La Biche County's Administration who shall ensure that suitable books of records are kept with a description of every lot in the cemetery, together with the names of the owners of the lots which have been sold.
- 2.2. The fees and charges contained in Lac La Biche County Policy – Schedule of Fees and Charges must be paid in full prior to use of any lot to Lac La Biche County.

## **3. BURIAL NEED ARRANGEMENTS**

- 3.1. All burial arrangements are to be made either through Lac La Biche County or a Funeral Director.
- 3.2. A surcharge will be applied for any additional costs incurred by Lac La Biche County for opening, interments, disinterment, or funeral services that occur.

## 4. REGULATION OF LOTS

### 4.1. Sale of Lots

- 4.1.1. Any person requesting a lot will be required to complete a Purchase Application.
- 4.1.2. Fees and charges shall be those appearing on Lac La Biche County Policy – Schedule of Fees and Charges, as amended from time to time by resolution of Council.
- 4.1.3. As per the *Alberta Cemeteries Act*, cancellation of a contract can be requested at any time for any reason. You may cancel without charge or penalty at any time during the period from the day you enter into the contract until 30 days after you receive a copy of the contract. If you cancel after 30 days you may still have to pay for interment space and for any cemetery supplies and cemetery services that have already been supplied, performed or delivered.
- 4.1.4. To cancel, you must give a notice of cancellation to Lac La Biche County at the address shown in the contract. Notice of cancellation should be given by a method that will allow proof that notice was given, such as registered mail, fax, courier or by personal delivery.
- 4.1.5. The County does not allow the resale of interment space on the open market. As a seller who does not allow the resale of lots on the open market it is legislated that the County must buy back the unused interment space. If the cancellation is requested during the 30 day cancellation period, then a full refund will be issued. Once this period is over, a refund of 85% of its market value for the interment space at the date of return. Additional fees may apply dependent upon circumstances of the original sale and products already provided.
- 4.1.6. The Purchaser cannot assign this agreement or transfer their lot to anyone else without the written permission of Lac La Biche County.
- 4.1.7. No burial shall be permitted in the cemetery without delivery of the burial permit to Lac La Biche County issued by a Direct Registrar under the authority of the Department of Health, or of some similar Permit or Certificate issued by the legal authority of the jurisdiction where the death occurred.
- 4.1.8. No lot shall be used for any other purpose than for the burial of human remains or the remains of cremated human bodies.
- 4.1.9. Lac La Biche County Administration is required to provide and reserve lots for the burial of unclaimed remains and remains of destitute or indigent persons. When a destitute or indigent person dies, the Minister of Human Services is responsible for the cost of burial or other disposition of that person's body, as per the *Alberta Cemeteries Act*, General Regulations, Section 13.
- 4.1.10. Lac La Biche County shall make lots in the cemetery available as provided in section 12(3) and (4) to veterans as defined in the *War Veterans Allowance Act* (Canada) and the regulations under the Act.

## 4.2. Interment and Disinterment

- 4.2.1. All graves must have a concrete vault installed prior to lowering of the casket. The concrete vault shall comply with the current industry standards. The purchaser is responsible to the cost of the concrete vault.
- 4.2.2. No person, other than Lac La Biche County's Administration shall dig in any lot for the purpose of interring or disinterring human remains. Exceptions may be made for outside contractors, at the discretion of Lac La Biche County. Otherwise they will be subject to a fine as listed on Lac La Biche County Policy – Schedule of Fees and Charges.
- 4.2.3. No grave for burial of an adult shall be less than six feet in depth from the surface of the ground surrounding the grave.
- 4.2.4. Lot dimensions are 94" x 45". One lot can accommodate two graves vertically, two urns side-by-side, or an urn on top of an existing casket, in one lot.
- 4.2.5. Columbarium niche dimensions are 12" x 12" x 18" and can accommodate two urns.
- 4.2.6. No casket shall be opened in the cemetery after any burial service.
- 4.2.7. Should a disinterment take place the lot shall revert to Lac La Biche County for resale.
- 4.2.8. Lac La Biche County shall permit the religious denomination to which the deceased belonged to perform the usual religious rites on the interment of the deceased, except those activities as listed in 4.2.2 of this bylaw.

## 4.3. Monuments

- 4.3.1. The owner or next of kin to the owner, of a monument is to complete a Monument Installation Permit form showing assumed responsibility to maintain the monument, or give Lac La Biche County the right to remove the monument should it fall into a state of disrepair.
- 4.3.2. Should a monument require repair, the owner, or next of kin to the owner, must ensure that such repair is completed within 30 days of written notification from Lac La Biche County. Should no repair work commence within 30 days, Lac La Biche County is empowered to remove the said monument.
- 4.3.3. All costs incurred in the removal and/or repair of monuments shall be charged to the owner, or next of kin to the owner, and may be recovered as debt due to Lac La Biche County.
- 4.3.4. The lot owner, or next of kin to the owner, is responsible for the proper condition and replacement of a monument and the County assumes no liability or responsibility of loss or damage to any monument through the acts of vandalism or natural erosion.

- 4.3.5. Any work to be done, such as erection of monuments, shall be done only after receiving permission to install a monument.
- 4.3.6. All monuments shall be erected within the existing concrete runner on the designated lot, and are not to exceed 21" wide x 53" long.
- 4.3.7. Temporary grave markers of reasonable size supplied by Lac La Biche County Administration and of non-breakable material shall be permitted for a maximum period of six (6) months from date of burial.
- 4.3.8. The Caretaker shall report to Lac La Biche County's Administration upon the condition of monuments which require repair, and upon any other matter or thing that the Caretaker wishes to bring to the attention of Administration.
- 4.3.9. Lac La Biche County shall repair existing concrete runners if necessary for maintenance and safety as determined by the Caretaker staff at no charge to the plot owner.
- 4.3.10. No work shall be done on any monument, nor shall any monument be removed from any lot without permission of Lac La Biche County's Administration.
- 4.3.11. In those instances where lots are owned side by side and one monument is to be erected to accommodate more than one person, a monument will be allowed to be erected after one burial.
- 4.3.12. All monuments must be of granite, marble, limestone or bronze.
- 4.3.13. No grave covers will be permitted in any section of the cemetery.

#### 4.4. Maintenance of Lots and Cemetery

- 4.4.1. No person other than the Caretaker or person authorized by Lac La Biche County's Administration shall plant or cause to be planted any tree, shrub, plant, or flower on any lot or on any other portion of the cemetery.
- 4.4.2. The erection, construction or installation of fences, railing, walls, copings, hedges or concrete grave covers shall not be permitted on or around any lot. The Caretaker may remove any of the foregoing, for any reason or neglect or age in the opinion of Lac La Biche County's Administration have become objectionable, after the owner has been notified.
- 4.4.3. No person, other than the Caretaker, shall build up any lot or portion thereof, so that the surface of the lot is higher than the surface of the surrounding ground.
- 4.4.4. The Caretaker may remove any tree, shrub or plant which is in his judgment, is in any way detrimental to adjacent lots, walks or driveways, or in the opinion of Lac La Biche Administration is detrimental to the general appearance of the cemetery, or which is dangerous or inconvenient to the public.

- 4.4.5. Wherever practical, lots including grave surfaces, are to be seed to grass by the Caretaker, and are to be maintained under the direction of Lac La Biche County's Administration.
- 4.4.6. The Caretaker may remove or prevent the placing of any stand, holder, vase or other receptacle for flowers or plants which in the opinion of Lac La Biche County's Administration is unsightly. Generally they will be allowed to remain on grave site for a period of one (1) month.
- 4.4.7. The Caretaker may remove any article or thing, which in the opinion of Lac La Biche County's Administration, is unsightly.
- 4.4.8. No person, other than a person authorized by Lac La Biche County's Administration shall remove sod from a lot or any portion of.
- 4.4.9. Heavy loads shall not be permitted to enter the cemetery when the roads in the cemetery are in the opinion of Lac La Biche County's Administration in an unfit condition due to rain, snow or spring thaw.

#### 4.5. Miscellaneous

- 4.5.1. All work in and around the cemetery shall be discontinued during any burial service.
- 4.5.2. Lac La Biche County's officials, employees or agents shall not be held liable and or responsible for any error resulting from lack of proper or precise instruction regarding the location in a lot where an interment is to be made or has been made.
- 4.5.3. Any person who:
  - 4.5.3.1. Willfully destroys, mutilates, writes on, defaces, injures or removes any monument tombstone or marker, or any structure, vehicle, building, machinery, tool, equipment, or any material placed or left in the said cemetery, or any railing, fence or other work for the protection, maintenance or ornamentation of the cemetery, or burial lot, or
  - 4.5.3.2. Willfully destroys, cuts, picks, breaks or injures any tree, shrub, or plant, or
  - 4.5.3.3. Willfully plays any game or sport, or
  - 4.5.3.4. Willfully discharges or carries of a firearm except firearms at military funerals, or
  - 4.5.3.5. Willfully commits a nuisance, or
  - 4.5.3.6. At any time behaves in an indecent or unseemingly manner in the said cemetery

is guilty of an offence and is liable for a fine as outlined on Lac La Biche County Policy – Schedule of Fees and Charges.

- 4.5.4. No Person shall turn loose, ride or allow to go at large any horses, dogs, cats or any other animal in the said cemetery.
- 4.5.5. Lac La Biche County shall have the right to prohibit the entry of any person or persons who do not have related business to the cemetery.
- 4.5.6. Bylaw 09-034 is repealed upon the date of the final passing of this Bylaw.

**MOTION BY COUNCILLOR BROADBENT-LUDWIG THAT BYLAW 13-030 BE GIVEN FIRST READING THIS 24<sup>TH</sup> DAY OF SEPTEMBER, 2013.**

**MOTION BY COUNCILLOR UGANECZ THAT BYLAW 13-030 BE GIVEN SECOND READING THIS 24<sup>TH</sup> DAY OF SEPTEMBER, 2013.**

**MOTION BY COUNCILLOR NOWAK THAT BYLAW 13-030 BE GIVEN THIRD AND FINAL READING THIS 24<sup>TH</sup> DAY OF SEPTEMBER, 2013.**

“Original Signed”  
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Mayor

“Original Signed”  
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Chief Administrative Officer