



BYLAW NO. 04.23

A Bylaw of Yellowhead County to make provision for the improvement, maintenance, management, control, and operation of the Evansburg Cemetery.

WHEREAS, the Yellowhead County Council deems it necessary to create and adopt regulations for the efficient and orderly operation of the cemetery;

AND WHEREAS, the parcels of land described herein as Lots 8 through 22 inclusive and Lots 33 through 35 inclusive, Plan #617 CL, a Subdivision of parts of Legal Subdivision #5 and #12 in Section 20, Township 53, Range 7 West of the 5th Meridian and shall be referred to as the "Sunrise Section";

And,

Lot 1, Plan 892-0429 in the SE 1/4 Section 19, Township 53, Range 7 West of the 5th Meridian and shall be referred to as the "Sunset Section";

And, have been designated as a cemetery by the Yellowhead County Council and shall be known as the Evansburg Cemetery;

NOW THEREFORE, the Yellowhead County Council, in the Province of Alberta, duly assembled, hereby enacts as follows:

1. SHORT TITLE

- 1.1 This Bylaw shall be called the "Cemetery Bylaw".

2. DEFINITIONS:

- 2.1 "Burial Plot" shall mean a single grave plot for the burial of dead human bodies that meets the standard size of 1.524 metres (five feet) in width by 3.048 metres (ten feet) in length.
- 2.2 "Cemetery" means land that is set apart or used as a place for the burial of dead human bodies or other human remains.
- 2.3 "Columbarium" means an above-ground structure containing compartments/niches for the inurnment of cremated remains.
- 2.4 "Council" shall mean the duly elected officials of Yellowhead County.



- 2.5 "Cremation Plot" shall mean a single grave plot for the burial of human remains that meets a minimum standard size of 0.6096 metres (two feet) in width by 1.524 metres (five feet) in length. Cremation plots in the Evansburg Cemetery may be a maximum of 1.524 metres (five feet) in width by 1.524 metres (five feet) in length.
- 2.6 "Group Plots" shall mean a group of plots exceeding one (1) purchased by a religious organization for resale to its members or a group of plots purchased for use by a family unit or couple.
- 2.7 "Interment" shall mean the excavation of a burial or cremation plot to the required depth, the back filling of the burial plot and the removal of any excess earth.
- 2.8 "Inurnment" means the placement of cremated human remains in a niche or to bury in a grave.
- 2.9 "Liner or Vault" shall mean a container placed in the ground into which a casket and human remains have been sealed. The container is designed and built to withstand the weight of the earth and standard cemetery maintenance equipment and to prevent the grave from collapsing.
- 2.10 "Niche" means a single compartment of a Columbarium.
- 2.11 "Pillow Monument" shall mean a memorial of bronze, marble, granite, stone, fiberglass, or another non-deteriorating material that projects above the level of the surrounding cement leader.
- 2.12 "Pre-need Plot" shall mean a burial plot or a cremation plot for which, at the time of purchase, there is no known date for its use.
- 2.13 "Resident" shall mean anyone who resides within the Municipality of Yellowhead County boundaries.
- 2.14 "Upright Monument" shall mean a memorial of bronze, marble, granite, stone, fiberglass, or another non-deteriorating material intended to be placed upright with the epitaph inscribed on the vertical face.

3. LOCATIONS:

- 3.1 Lots 8 through 22 inclusive and Lots 33 through 35 inclusive, Plan #617 CL, Subdivision of parts of Legal Subdivision #5 and #12 in Section 20, Township 53, Range 7 West of the 5th Meridian and shall be referred to as the "Sunrise Section."



- 3.2 Lot 1, Plan 892-0429 in SE 1/4 Section 19, Township 53, Range 7, West of the 5th Meridian and shall be referred to as the "Sunset Section."

4. ADMINISTRATION:

- 4.1 The Chief Administrative Officer or their designate shall be responsible for the selling of burial plots, cremation plots, and columbarium niches in the Evansburg Cemetery and for the collection of all fees and charges in connection therewith.
- 4.2 The Chief Administrative Officer or their designate shall be responsible for the keeping of all cemetery records as required by law.
- 4.3 The Chief Administrative Officer or their designate shall be responsible for the general supervision of maintenance and construction of the grounds of the said cemetery.
- 4.4 No interment at the Evansburg Cemetery shall take place without the prior written approval of Yellowhead County, either by the Chief Administrative Officer or their designate.
- 4.5 All persons employed in the construction of burial vaults, erection of monuments or doing other work in the Cemetery, whether employed by Yellowhead County or not, shall be subject to the direction and control of the Chief Administrative Officer or their designate.

5. CEMETERY DESIGN:

- 5.1 The "Sunrise Section" shall maintain a plot plan as designed by the former Village of Evansburg and transferred to Yellowhead County in 1998.
- 5.2 Each block of plots in the "Sunset Section" will be assigned a descriptive number beginning with the number "1".
- 5.3 Each row of plots in the "Sunset Section" shall have a cement leader 0.6096 metres (two feet) by 1.524 metres (five feet) at the head of the plot. The leader will be of one continuous cement foundation. Leaders shall not protrude more than 1.27 centimetres (1/2 inch) above the level plane of the adjacent ground surface.
- 5.4 Plots will be sold individually in each row in the Sunset Section, with the exception of Group Plots. Plots in two rows only will be available for sale at any one time. The rows within which plots are available for sale shall be designated by the Chief Administrative Officer or their designate. Plots in a new row will not be sold until a preceding row has been completely filled, except if required for Group Plots.



- 5.5 Block 10 in the "Sunset Section" shall be designated as the "Field Of Honour" for the burial of the remains of veterans; and Block 11 shall be held in reserve for a potential "Field of Honour".
- 5.6 The Columbarium shall be located in the "Sunset Section".

6. PLOT SALES:

- 6.1 The Chief Administrative Officer or their designate shall, from time to time, review cemetery plot purchase fees and recommend to Council any appropriate changes. The fees and charges shall be those set out in Schedule "A" to this Bylaw.
- 6.2 Burial plots, cremation plots, and columbarium niches may be purchased for immediate use or as Pre-need Plots by any person or estate by paying in full the land tariff for such plots as set out in Schedule "A".
- 6.3 A person who has purchased a Pre-need Plot in the Evansburg Cemetery which remains unused, may terminate their ownership, in which case the Chief Administrative Officer or their designate will refund said holder an amount representing 85% of the market value of the plot at the date of termination, less an administrative fee as specified in the attached Schedule "A" of this bylaw at the time the said refund is issued. Upon such termination, the said burial plot or cremation plot may, again, be sold by the County.
- 6.4 A person or estate who has purchased a Pre-need Plot which remains unused may resell the plot on the open market only upon receiving written approval of the Chief Administrative Officer or their designate and upon payment to the County of the administration fee specified in Schedule "A" of this bylaw at the time of transfer. Transfer of a burial plot or cremation plot by such resale shall only be effective upon giving written notice to the Chief Administrative Officer or their designate of the name and address of the purchaser.
- 6.5 Upon the purchase of a pre-need burial plot or cremation plot, the Chief Administrative Officer or their designate shall provide the purchaser with a pre-need contract, the wording to include the written words as specified in the attached Schedule "B".
- 6.6 Burial plots or cremation plots shall be made available for indigents. The fees charged for a plot shall be 50% of the current plot price for residents, plus 100% of the interment costs as described in the Province of Alberta Cemeteries Act: RSA 2000, Chapter C-3, 12(3)(b).



- 6.7 Burial plots or cremation plots shall be made available to veterans at 50% of the current plot price for residents, plus 100% of the interment costs as described in the Province of Alberta Cemeteries Act: RSA 2000, Chapter C-3, 13.

7. INTERMENTS:

7.1. General

- 7.1.1 The Chief Administrative Officer or their designate shall, from time to time, review charges for the opening and closing of a full burial or cremation plot and recommend to Council any appropriate changes. The charges shall be those set out in Schedule "A" to this Bylaw.
- 7.1.2 In all cases notification of intention to inter must be given to the County Office during regular hours at least 48 hours prior to the time of interment. This notification may be waived when the deceased person to be interred died from a contagious disease or if special circumstances so require.
- 7.1.3 No burial shall be permitted in the Cemetery unless a proper burial permit and/or certificate of cremation is produced to the Chief Administrative Officer or their designate by the party applying for the burial.
- 7.1.4 No person other than the Chief Administrative Officer or their designate shall open or close a grave or make a disinterment in the Evansburg Cemetery.
- 7.1.5 Disinterment must be conducted in accordance with the Cemeteries Act and Regulations thereto, and only after issue of a permit for disinterment by the Director of Vital Statistics.
- 7.1.6 Funeral Directors who are licensed under the Alberta Funeral Services Act must provide the necessary lowering devices and make their own arrangements for the placing of mats, wreaths, flowers, etc. around the grave.
- 7.1.7 All applications for interments in the cemetery must be signed by the owner of the plot in which such interment is to be made, or by legal representatives of such owner with proper documentation.

7.2 Burial Plots

- 7.2.1 A vault or liner is required for any full burials, and must be constructed of either concrete or an equally suitable alternative surpassing concrete's quality. All



individuals or agencies who are making arrangements for the interment of human remains in the cemetery, must inform the Chief Administrative Officer or their designate of their intentions.

- 7.2.2 All full burials shall ensure a grave depth of 0.9 meters (three feet) between the top of the casket and the ground surface.
- 7.2.3 No more than one full burial shall be permitted in a single plot.
- 7.2.3 Maximum 4 urns (cremation ashes) permitted in burial plots after the original interment has occurred. Spacing of such urns will follow 7.3.3
- 7.2.4 Where a cremation urn is to be added to a burial plot with a grave cover, the grave cover must be permanently removed.

7.3 Cremation Plots

- 7.3.1 A maximum of four urns shall be permitted in each cremation plot unless special circumstances exist and the Chief Administrative Officer or their designate authorizes a greater number of urns.
- 7.3.2 Cremation ashes may be buried in a cremation plot only where the person in charge of the ashes is deemed to have authority to give permission for such a burial in that plot, or where that person has received written permission from those deemed to have that authority by providing appropriate documentation.
- 7.3.3 Urns must be buried in a designated quadrant chosen on the intake form at registration. All urns must be buried at a depth of 0.5 metres when installed above an existing casket.

7.4 Columbarium Niches

- 7.4.1 Niches shall be used only to place cremated remains of one or more humans, as the space within a niche permits.
- 7.4.2 The opening and closing of a niche shall be performed only by Yellowhead County staff with notice provided at least 48 hours in advance.
- 7.4.3 Yellowhead County shall not be liable for damages to the contents of niches whether resulting from theft, vandalism or other damage howsoever caused.
- 7.4.4 The County shall sell niches only as they are available.

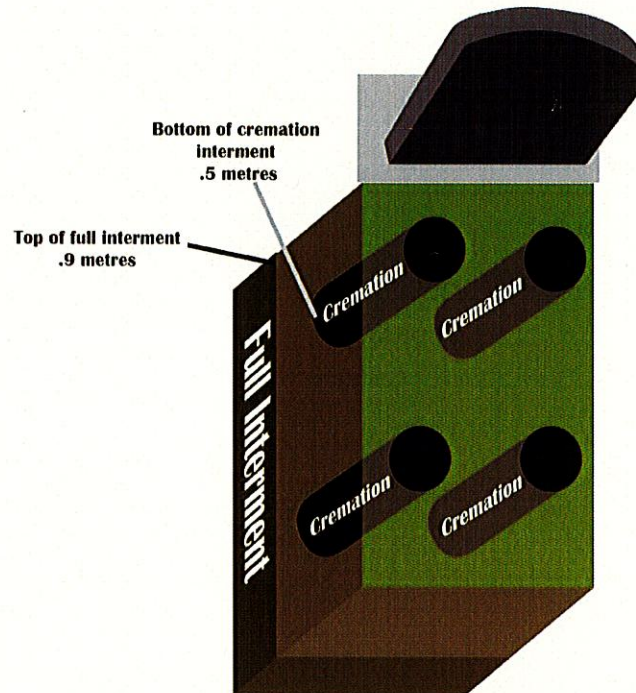


Figure 1. Interment Layout

8. MONUMENTS:

- 8.1 Pillow and upright monuments shall be permitted in the Evansburg Cemetery.
- 8.2 One monument shall only be permitted at the head of each burial plot. In the "Sunset Section," the monument shall be centered on the cement leader and shall be of a size to ensure that the outside edges of the monument are a minimum of 7.62 centimeters (3 inches) back from all edges of the cement leader. The monument should not exceed 91.44 centimeters (36 inches) in height.
- 8.3 Markers may be added for cremation burials on an existing plot on the condition that the marker is placed flush with the ground.
- 8.4 Grave covers are not permitted in the Evansburg cemetery. Any pre-existing grave covers in the "Sunrise Section" may remain until such time that their condition warrants removal.
- 8.5 Approved markers, monuments or stones must be placed or erected by the parties concerned but the placing must only proceed upon approval of the Chief Administrative Officer or their designate.



- 8.6 Yellowhead County will provide metal markers to identify a burial site until a permanent monument is put in place. It is encouraged that the installation of the permanent monument be done in a timely manner.

9. COLUMBARIUM MEMORIALIZATION:

- 9.1 Engraving directly on the granite face plate of the niche is the only method to be used for memorialization
- 9.2 No plaques, vases, or similar material may be attached to the columbarium in any manner.
- 9.3 Niches cannot be sold back to Yellowhead County once the engraving has begun.
- 9.4 Engraving shall be completed by a qualified contractor in the font size and style consistent with all columbarium niches and as approved by the Chief Administrative Officer or their designate.
- 9.5 Personalized messages engraved on niches must be in good taste and not considered offensive.
- 9.6 Costs for engraving and any future maintenance to the niche face plate are the sole responsibility of the licensee of the niche plot.
- 9.7 Only one granite face plate is available for each niche. Additional granite face plates are not available for future engraving changes.

10. MAINTENANCE:

- 10.1 No trees, plants, shrubs, flowers, or any other thing intended for growth shall be planted, seeded, grown, or maintained on any plot in the cemetery unless permission is first obtained from the Chief Administrative Officer or their designate.
- 10.2 Grave decorations must not include any items made of glass, china, or earthen materials.
- 10.3 All decorations, including artificial flowers and their holders, are only permitted if permanently contained within the monument or marker. Any decorations, artificial flowers, or holders not permanently contained as such shall be disposed of without notice.
- 10.4 The Chief Administrative Officer or their designate shall have the authority to have removed from any grave: floral pieces which have become wilted; items that become tattered, torn, or sun-bleached; or, any other items that are in their opinion unsightly or in disrepair so as to keep the cemetery peaceful and attractive.



- 10.5 Flowers, funeral designs, or floral pieces will be permitted on the grave on the day of the burial for a period of five days. The Municipality shall have the authority to remove any funeral designs or floral pieces which may become wilted, or any other article or thing after the expiration of five days from the date of service.
- 10.6 No person shall erect upon a grave or burial plot or cremation plot any curbs, fences, railings, walls, copings, trellises, hedges, trees, shrubs, or the like. Where any of the same have been previously erected on or around a grave and have by reasons of age or neglect become unsightly or objectionable, the Chief Administrative Officer or their designate may cause same to be removed but, in so doing, will leave the area in a safe, proper and neat condition.
- 10.7 Plot maintenance including monument maintenance and repair is the responsibility of the plot owner. In cases where a plot needs maintenance and an owner cannot be located, Yellowhead County will only conduct maintenance required for the safety of staff and visitors to the cemetery.

11. PENALTIES:

- 10.1 A person who:
 - 10.1.1 Willfully destroys, mutilates, defaces, injures, or removes a tomb, monument, gravestone, or other structure placed in a cemetery, or a fence, railing, or other work for protection or ornament of a cemetery or of a tomb, monument, gravestone or other structure or a cemetery lot within the cemetery,
 - 10.1.2 Willfully destroys, cuts, breaks, or injures any tree, shrub or plant in the cemetery,
 - 10.1.3 Discharges firearms in a cemetery, except at a military funeral,
 - 10.1.4 Willfully and unlawfully disturbs persons assembled for the purpose of a burial in the cemetery, or
 - 10.1.5 Commits a nuisance in the cemetery,
 - 10.1.6 Otherwise breaches this bylaw;is guilty of an offense and will be liable for fines in accordance with the provisions of the Cemeteries Act.
- 10.2 No person shall turn loose, ride, or allow to go at large any cattle, swine, horses, dogs, cats, or any other animal in the cemetery.



- 10.3 No person shall be permitted to drive a vehicle or conveyance within the cemetery at a greater speed than fifteen (15) kilometers per hour, nor elsewhere than upon the roadways provided for vehicular traffic.
- 10.4 No person shall be permitted to drive, ride, park, or operate any all-terrain vehicle, mini-bike, motorcycle, or any off-highway vehicle, or snow vehicle within the cemetery.
- 10.5 The Chief Administrative Officer shall have the right to prohibit the entry of any person or persons who do not have related business at the cemetery.

11. LIABILITY:

- 11.1 Yellowhead County or its agents or employees shall not be responsible for any damage whether willful or accidental, to any plot, memorial tables, monument, or other structure located within the Evansburg Cemetery.
- 11.2 Yellowhead County does not have ownership of any materials, articles, or monuments erected at a grave site, and does not assume responsibility for their ongoing maintenance.

12. GENERAL:

- 12.1 Yellowhead County may enter into an agreement with a third party for the performance of this bylaw upon Council Resolution.
- 12.2 Schedule A of this Bylaw may be amended by resolution of Council.
- 12.3 This Bylaw shall repeal Bylaw 14.20 any and all previous cemetery bylaws and take force and have effect upon final reading thereof.

13. REPEAL:

- 13.1 That Bylaw 14.20 is hereby repealed.

14. EFFECTIVE DATE:

- 14.1 That this Bylaw shall come into force and have effect from and after the date of the third and final reading thereof.

15. SEVERABILITY:

- 15.1 Should any provision of this bylaw become invalid, void, illegal or otherwise not enforceable, it shall be considered separate and severable from the bylaw, and the remainder shall remain in force and be binding as such provision had not been included.



READ a first time this 24 Day of October A.D., 2023

READ a second time this 24 Day of October A.D., 2023

READ a third time this 14 Day of November A.D., 2023

SIGNED this 14 Day of November A.D., 2023

Wade Williams
Mayor, Wade Williams

Luc Mercier
Chief Administrative Officer, Luc Mercier

**BYLAW NO. 04.23 SCHEDULE "A"****FEES AND CHARGES****CREMATION PLOT**

Resident (Plus GST)	\$200.00 (\$210.00)
Non-Resident (Plus GST)	\$300.00 (\$315.00)
Opening & Closing (Plus GST)	This amount is determined by the actual cost of the interment contract on a cost recovery basis.

COLUMBARIUM NICHE (includes first opening)

Resident (Plus GST)	\$500.00 (\$525.00)
Non-Resident (Plus GST)	\$750.00 (\$787.50)
Additional Openings (Plus GST)	\$100.00 (\$105.00)

BURIAL PLOTS

Resident (Plus GST)	\$300.00 (\$315.00)
Non-Resident (Plus GST)	\$400.00 (\$420.00)
Opening & Closing (Plus GST)	This amount is determined by the actual cost of the interment contract on a cost recovery basis.

GENERAL

Administration Fee to Transfer Ownership of Sold But Unused	\$25.00
Administration Fee for Termination of Ownership	\$25.00



BYLAW NO. 04.23 SCHEDULE "B"

Right to Cancel by Purchaser or Lessee

1. You may cancel this contract at any time for any reason. You may cancel without charge or penalty at any time during the period from the day you enter 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 cemetery services that have already been supplied, performed, or delivered, as the case may be.
2. If you cancel this contract, the seller has 15 days to refund any money you are owed. To cancel, you must give a notice of cancellation to the owner of the cemetery, columbarium, or mausoleum at the address shown in the contract or to the seller of this contract at the address shown in the contract. You should give the notice of cancellation by a method that will allow you to prove that you gave notice, such as registered mail, fax, courier, or by personal delivery.

Resale of Interment Space

3. After the penalty-free 30-day cancellation period is over, the seller will allow you to resell your interment space on the open market. A seller who does not allow resale must buy back the unused interment space from you, if you wish, and must pay you at least 85% of its market value at the date of resale, less a \$25.00 refund fee.

Monuments

4. One monument shall only be permitted at the head of each burial plot. In the "Sunset Section," the monument shall be centered on the cement leader and shall be of a size to ensure that the outside edges of the monument are a minimum of 7.62 centimeters (3 inches) back from all edges of the cement leader.
5. Markers may be added for cremation burials on an existing plot on the condition that the marker is placed flush with the ground.

MAINTENANCE

6. No trees, plants, shrubs, flowers, or any other thing intended for growth shall be planted, seeded, grown, or maintained on any plot in the cemetery unless permission is first obtained from the Chief Administrative Officer or their designate.
7. Grave decorations must not include any items made of glass, china, or earthen materials.
8. All decorations, including artificial flowers and their holders, are only permitted if permanently contained within the monument or marker. Any decorations, artificial flowers, or holders not permanently contained as such shall be disposed of without notice.



9. The Chief Administrative Officer or their designate shall have the authority to have removed from any grave: floral pieces which have become wilted; items that become tattered, torn, or sun-bleached; or, any other items that are in their opinion unsightly or in disrepair so as to keep the cemetery peaceful and attractive.
10. Flowers, funeral designs, or floral pieces will be permitted on the grave on the day of the burial for a period of five days. The Municipality shall have the authority to remove any funeral designs or floral pieces which may become wilted, or any other article or thing after the expiration of five days from the date of service.
11. No person shall erect upon a grave or burial plot or cremation plot any curbs, fences, railings, walls, copings, trellises, hedges, trees, shrubs, or the like. Where any of the same have been previously erected on or around a grave, and have by reasons of age or neglect become unsightly or objectionable, the Chief Administrative Officer or their designate may cause same to be removed but, in so doing, will leave the area in a safe, proper and neat condition.
12. Plot maintenance including monument maintenance and repair is the responsibility of the plot owner. In cases where a plot needs maintenance and an owner cannot be located, Yellowhead County will only conduct maintenance required for safety of staff and visitors to the cemetery.