

**BYLAW NO. 1859/2022**  
**OF THE**  
**TOWN OF SYLVAN LAKE**

Being A Bylaw of the Town of Sylvan Lake, Alberta to regulate and control cemeteries within the Town.

**WHEREAS** pursuant to the Cemeteries Act and amendments thereto, Council may by bylaw establish and operate cemeteries within their municipal boundaries;

**NOW THEREFORE** the Municipal Council of the Town of Sylvan Lake duly assembled enacts as follows:

**SHORT TITLE**

1. This bylaw may be cited as the Cemeteries Bylaw.

**LOCATIONS**

2. Lakeview Cemetery – 4302 50<sup>th</sup> Street  
West Meadows Cemetery – 4001 60<sup>th</sup> Street

**DEFINITIONS**

3. In this bylaw:
  - (a) **“Act”** means the Cemeteries Act, as amended
  - (b) **“Article”** means any items left at a gravesite that does not include the monument or marker
  - (c) **“Adult”** means any person sixteen (16) years of age or over
  - (d) **“Burial”** means the interment of human remains or cremated human remains in a grave
  - (e) **“Burial Deed”** means a document utilized by the Town for the sale of a plot or niche
  - (f) **“Burial Permit”** refers to a document required to bury or cremate the remains of the deceased. It is required by law that cemeteries do not perform a burial without a burial permit. If the deceased has been cremated, a cremation certificate can be accepted in its place

- (g) **“Business Day”** means Monday to Friday from 8:00 am to 4:30 pm excluding statutory holidays
- (h) **“Cairn”** means a stone or a heap of stones placed as a memorial
- (i) **“CAO”** means the Chief Administrative Officer of the Town of Sylvan Lake
- (j) **“Casket Burial”** means the interment of human remains in a full size plot
- (k) **“Cemetery”** means cemeteries in the Town of Sylvan Lake, owned and operated in accordance with the Act by and under the control of the Town
- (l) **“Cemetery Attendant”** means the designated staff member of the CAO and unless the context otherwise implies, any person authorized to carry out his/her duties
- (m) **“Columbarium”** means an above-ground structure containing niches for the inurnment of cremated remains
- (n) **“Council”** means the Council of the Town
- (o) **“Cremation Certificate”** means a certificate produced by a crematorium after the cremation is completed. A cemetery can accept the Cremation Certificate in place of the Burial Permit for cremated remains
- (p) **“Cremation Plot”** means a subdivision of land for the purpose of inurnment of cremated human remains in the cemeteries as shown on the cemetery maps on record with the Town
- (q) **“Cremated Remains”** means the remains of humans that have undergone the cremation process
- (r) **“Depth”** means the measurement of the monument horizontally inward from the outer surface
- (s) **“Disinterment Permit”** means a permit issued by the Province of Alberta permitting the removal and relocation of human remains in cemeteries
- (t) **“Director”** means the Provincial Director of Vital Statistics
- (u) **“Double Depth Plot”** means a single plot utilized for two (2) casket burials, one directly above the other, with each casket at different depths
- (v) **“Foundation”** means a rectangular piece of support concrete of 150 mm thickness so placed as to be level with the surrounding ground and to be 150 mm wider all around than the base of the monument or marker to be placed upon it
- (w) **“Grave Cover”** means a manufactured cover of a grave
- (x) **“Grave Liner”** means a concrete or load-bearing fiberglass liner placed in a plot to house a casket
- (y) **“Height”** means the measurement of the monument from the concrete foundation to the highest portion of the top of the monument. This measurement includes all bases installed to elevate the monument
- (z) **“Holiday”** means a statutory or declared holiday as well as any day designated as such in a collective agreement that the Town is a party to

- (aa) **“Human Remains”** means a deceased person’s remains that have not been cremated
- (bb) **“Interment”** means the burial of human remains in a plot
- (cc) **“Inurnment”** means the placement of cremated human remains in a niche of a columbarium, plot, or cremation plot
- (dd) **“Marker”** means any flat structure, flush with the ground, placed or constructed on a plot or monument runner for memorial purpose
- (ee) **“Memorial Bench”** means a bench erected in memory of a deceased person
- (ff) **“Memorial Tree”** means a tree planted in memory of a deceased person
- (gg) **“Memorial Wall”** means a wall with permanently attached engraved plaques with a deceased individual’s information
- (hh) **“Monument”** means any upright structure installed or constructed on a plot for a memorial purpose
- (ii) **“Monument Base”** means the portion of the monument constructed of granite and set on the concrete or granite monument foundation to provide stability and protection
- (jj) **“Monument Runner”** means the permanent foundation at the head of a row of graves that allows for the placement of approved markers and monuments
- (kk) **“Niche”** means the compartment of a columbarium to place cremated remains
- (ll) **“Plaque”** means a permanently engraved bronze structure used for a memorial purpose on a columbarium and memorial wall
- (mm) **“Plot”** means a subdivision of land for the purpose of interment of human remains, in a casket, in the Cemeteries as shown on the cemetery maps on record with the Town
- (nn) **“Perpetual Care”** means the ongoing maintenance of a cemetery including the seeding of plots and grave surfaces, seasonal cutting of the grass, repairs to monument runner, columbarium, and memorial wall, but excludes monuments, markers, and plaques
- (oo) **“Resident”** will mean a person who has been normally residing in the Town and has resided in the Town immediately preceding his or her death or his or her application to make a purchase
- (pp) **“Scattering Garden”** means a designated area in the West Meadows Cemetery to scatter cremated human remains
- (qq) **“Town”** means the Town of Sylvan Lake
- (rr) **“Width”** means the measurement of the monument as it would face the plot measured from left to right
- (ss) **“Winter”** means the period of time extending from November 1<sup>st</sup> through to April 30<sup>th</sup> at which the ground is declared to be frozen

- (tt) “Youth” mean any person less than sixteen (16) years of age

## **SUPERVISION AND CONTROL**

4. The Cemeteries of the Town and all books, records, plans, documents, and instruments will be under the general supervision, charge and control of the CAO or any person authorized by the CAO to carry out his/her duties.
5. Those charged with the responsibility of the Cemeteries will:
  - (a) maintain and operate the Cemeteries and supervise all persons employed therein;
  - (b) keep and supply records as required by the Provincial Government and the Town of Sylvan Lake;
  - (c) require or prohibit the placing or removal of any tree, shrub, plant, parts thereof, construction or article, of any description that, in their opinion, is or may become detrimental to the contiguous property or prejudicial to the general appearance of the Cemeteries. Without limiting the generality of the foregoing, an article will include frames, wreaths, flowers, shepherd hooks, solar lights, fencing, monuments, bases and foundations;
  - (d) do such acts or undo such acts as required for the maintenance and operation of the Cemeteries;
  - (e) have direction and control of all persons employed in the erection of the monuments or doing other work in the Cemeteries;
  - (f) keep care and control of all Cemetery equipment used at interments;
  - (g) make all sales of interment and inurnment rights in the Cemeteries;
  - (h) maintain a separate Cemetery account showing services rendered and expenses incurred by the Cemetery Attendant; and
  - (i) keep a record of sales of interment and inurnment rights, of persons interred or inurned in the Cemeteries and the date of interment or inurnment, and such further records and plans as are required by the Act and the Town.
6. The CAO or designate will issue to each purchaser of every plot, cremation plot or niche a certificate of purchase and will collect all fees for the opening and closing of graves and other work as provided for in the Fees and Charges Bylaw, as amended, and will issue instructions to the Cemetery Attendant for the carrying out of any of the said work when required.

7. Interment and inurnment rights in the Cemeteries will not be sold, assigned, or disposed of by any person without the consent in writing of the CAO or designate and the Town will have the first right of purchase of any plot or niche.
8. No deed will be resold to any other party; however, deeds may be transferred from one family member to another family member, but no transfer will be valid unless such transfer is duly registered with the Town.
9. Notwithstanding Section 8, a Burial Deed may be exchanged or transferred back to the Town, whereupon the owner will be entitled to receive a refund of the original price, including the amount paid for perpetual care, less an administration fee of 10% of the foregoing amounts.
10. The CAO or designate will be charged with the administration of the Cemeteries under the provisions of the Bylaw, the Act and any other Act and regulation that has been or may be hereinafter passed affecting Cemeteries.

## **VETERANS**

11. The Town will set aside and maintain in the Lakeview Cemetery an area which will be known as the 'Field of Honour' which will be reserved for interment or inurnment of members and ex-members of the Canadian and British Naval, Armed Forces, and Air Forces upon request of a relative or the Department of Veterans Affairs or Department of National Defense.
12. The Town will provide a plot, cremation plot or niche at 50% of the regular adult rate for Veterans as defined by the War Veterans Allowance Act. These plots or niches do not have to be located in the Field of Honour and may be situated in either Cemetery.
13. Provisions for a Field of Honour and Veterans special pricing will be available provided such eligibility is supported by a bona fide veterans' organization.

## **RELIGIOUS DENOMINATIONS**

14. The CAO may, subject to the approval of the Council, allot any parcel of the said Cemeteries in which no interment or inurnment has therefore been made to the exclusive use of any religious denomination. In the event of the consecration of the Cemeteries, or any part thereof, by any religious denomination, such act of consecration will not be held to invest the said religious body with any exclusive powers or jurisdiction, either spiritual or temporal, within such Cemeteries, but such religious body will be subject to the rules and regulations governing said Cemeteries, except as otherwise provided.

## **INTERMENT AND INURNMENT**

15. A minimum of two (2) business days' notice will be given to the Town prior to the time set for an interment or inurnment.

16. No interment will be permitted in the Lakeview Cemetery unless a concrete, wood, or fiberglass liner is used or in the West Meadows Cemetery unless a grave liner is used, except for:
  - (a) Children age six (6) and under which require a wooden rough box, or
  - (b) Cremains
17. Grave liners must be completely buried with the highest point of the liner being a minimum of .6 meters below the surface.
18. No person will be interred or inurned in any plot, cremation plot or niche unless he/she is registered as the owner of the interment or inurnment rights in the said plot, cremation plot or niche, received written consent from the owner or agent of the owner, or where the plot, cremation plot or niche is held by two or more persons, the surviving person or persons consent to in writing.
19. No plot, cremation plot or niche will be opened for interment, inurnment or disinterment by any person that is not in the employment of the Town or under the supervision of the CAO or their designate, and in all such cases requests for opening or disinterment will be accompanied by such forms and receipts as are required by the Town and the Act.
20. No interment or inurnment will be permitted until a form, supplied by the Town has been completed and signed by the owner or agent of the owner of the interment rights in the plot, cremation plot or niche in which the interment is to be made, stipulating the following information:
  - (a) First, middle and last name of the deceased person;
  - (b) Place of birth of the deceased person;
  - (c) Date of birth of the deceased person;
  - (d) Gender of the deceased person;
  - (e) Date of death of the deceased person;
  - (f) Name, address and telephone number of the next of kin;
  - (g) Address of the last known residence of deceased person;
  - (h) Cemetery, section, row if applicable and plot number or the Cemetery, section and niche number of the columbarium in which interment or inurnment is to be made;
  - (i) Date and time of interment or inurnment;

- (j) Name of Funeral Home; and
  - (k) The type of vault to be used if applicable.
- 21. No plot, cremation plot or niche to which the interment or inurnment rights appear to have been sold or are hereafter sold will be used for any other purpose than for the interment of human bodies or the inurnment of human cremated remains, and the owner of the interment or inurnment rights in any plot, cremation plot or niche will not allow interments or inurnments therein for remuneration.
  - 22. No person will inter a human body within the Town except in the public Cemeteries designated by this Bylaw in accordance with the provisions of the Bylaw.
  - 23. No plot will contain more than one (1) casket burial and six (6) cremated human remains and only if the casket burial has been completed first.
  - 24. No cremation plot will contain more than two cremated human remains.

#### **INTERMENT OF INDIGENT AND UNCLAIMED BODIES**

- 25. Will be provided according to the Act.

#### **DISINTERMENT**

- 26. Disinterment will not take place unless permission is first obtained for that purpose from the office of the Provincial Director of Vital Statistics, and if given, such permission will be in writing and signed by the CAO or designate.
- 27. No person will disinter or remove cremains from any plot, cremation plot or niche without first making an application with the Town on the prescribed form and not until such time as permission has been granted by the CAO or designate.
- 28. In case of disinterment for re-interment in another plot or re-inurnment in another cremation plot or niche in the same Cemetery, the excavations will be made by the regularly authorized Town.

#### **SCATTERING GARDEN**

- 29. Located in the West Meadows Cemetery.
- 30. Used for the scattering of cremated human remains.
- 31. A minimum of two (2) business days' notice will be required for the scattering of cremated human remains.
- 32. No scattering is permitted without the completion of a form supplied by the Town and payment received of the associated fee, under the Fees and Charges Bylaw.
- 33. Scattered cremated human remains are permanent, non-recoverable, irreversible, and co-mingled.

34. Scattered cremated human remains cannot be disinterred.

### **MEMORIAL WALL**

35. Located in the West Meadows Cemetery.
36. Used for the memorialization of a deceased person.
37. No plaque will be installed on the memorial wall without the completion of a form supplied by the Town and the payment received of the associated fee, under the Fees and Charges Bylaw, as amended.
38. Plaques will only be supplied and installed by the Town.

### **MEMORIAL BENCH**

39. Located in various locations throughout the Town as determined by the Parks Manager and including the Lakeview Cemetery and the West Meadows Cemetery.
40. No memorial bench will be installed without the completion of a form supplied by the Town and the payment received of the associated fee, under the Fees and Charges Bylaw, as amended.

### **MEMORIAL TREE**

41. Located in various locations throughout the Town as determined by the Parks Manager and including the West Meadows Cemetery.
42. A memorial plaque can be purchased from the Town and installed by the Town on the Memorial Wall.
43. A memorial plaque will not be installed at the location of the tree planting.
44. Memorial trees will be suitable for Alberta climates, installed, maintained, and warranted.
45. No memorial tree will be planted without the completion of a form supplied by the Town and the payment received of the associated fee, under the Fees and Charges Bylaw, as amended.

### **MONUMENTS AND MARKERS**

46. No person will place a monument or marker in the Cemeteries within the Town of Sylvan Lake without first having obtained a permit from the office of the CAO or designate and having paid the prescribed fee for such permit as provided for in the Fees and Charges Bylaw, as amended.



47. A monument permit will be submitted to the CAO or designate for approval and his/her approval secured and the prescribed fees paid before any such construction or installation is undertaken or commenced.
48. Monuments or markers will be constructed of bronze, granite, marble or a boulder that is approved by the CAO or designate.
49. No monument or marker placement will interfere with any other plots and must be contained within the plot(s) boundaries.
50. The bronze plate marker for the columbarium niche provided by the Town will be the only marker acceptable for placement on the niche cover.
51. Inscription on a monument or marker will be of sufficient depth and quality so as to be everlasting.
52. Cairns monuments are not permitted.
53. Grave covers are not permitted.
54. Monuments or markers including the base and foundation, must not exceed the following dimensions on the following plots:  
  
Lakeview Cemetery Plots:  
1.5 meters (wide) x .6 meters (deep) x 1.6 meters (high)  
  
Lakeview Cemetery Cremation Plots:  
1.22 meters (wide) x .6 meters (deep) x 1.6meters (high)  
  
West Meadows Cemetery Plots:  
1.5 meters (wide) x .6 meters (deep) x 1.6 meters (high)  
  
West Meadows Cemetery Cremation Plots:  
1.0 meters (wide) x .6 meters (deep) x1.6 meters (high)
55. Monuments or markers exceeding these dimensions must be authorized by the CAO for approval.
56. All monuments or markers exceeding 1.0m in height may require second pinning. This will be determined by monument or marker design and will be at the discretion of the CAO. The requirement for pinning will be determined at the permit stage.
57. Any damage resulting from the placement of a monument or marker is the responsibility of the person(s) carrying on the installation.
58. All earth, debris, litter, and rubbish arising or resulting from work done on any plot by or on behalf of the owner of the interment rights must be carefully cleaned up and removed from the Cemetery by the said owner or his contractors.
59. The CAO or designate will have the right to remove any monument, marker, fence, railing, ornament, or other articles for the protection of the Cemeteries or plots.
60. Each plot can only contain one marker or one monument.

61. No person will erect any monument in the cemeteries on a Saturday, Sunday, or statutory holiday.
62. The demeanor and behavior of all contractors and Town employees upon cemetery property will be respectful at all times.
63. Contractors and Town employees will employ all means necessary to protect plots or niches from damage during installation and removal of any material or object.
64. Contractors and Town employees will cease work in the immediate vicinity of a funeral until the conclusion of the service.
65. While the Town will take all reasonable precautions to protect the property of the owner, it assumes no liability or responsibility for loss or damage to any marker or monument in the Cemeteries.

#### **LAKEVIEW CEMETERY MONUMENT AND MARKER REQUIREMENTS**

66. Concrete or granite foundation is required for all monuments.
67. The monument must be installed on that portion of the plot undisturbed by excavation and must be in line with other monuments in that section of the cemetery.
68. Markers or monuments are permitted.

#### **WEST MEADOWS CEMETERY MONUMENT AND MARKER REQUIREMENTS**

69. Markers or monuments must be installed on the monument runner provided.
70. Markers or monuments are permitted.
71. A foundation is not required for an upright monument or marker.

#### **PLOTS**

72. Plots in the Lakeview Cemetery will have dimensions of 1.50 m by 3.00 m and cremation plots will have dimensions of 1.22 m by 1.22 m.
73. Plots in West Meadows Cemetery will have dimensions of 1.50 m by 2.75 m and cremation plots will have dimensions of 1.0 m by 1.0 m.

#### **GENERAL**

74. No tablet, monument, cross, plaque, fence, coping, enclosure or structure will, except as above provided, be removed by any person from any lot in the said Cemeteries without the permission of the CAO or designate expressed in writing.
75. Unless so authorized by the CAO or designate, only automobiles will be driven within the Cemeteries and will be driven with care and be restricted to the driveways and the maximum speed limit of 10 km per hour.

76. The Cemetery Attendant may prohibit the driving of automobiles in the Cemeteries when the roads are in an unfit condition.
77. The owner of any automobile driven within the Cemeteries will be responsible for any damage done within the boundaries of the Cemeteries.
78. No animals will be brought into or permitted to be within the Cemeteries except those required as a medical necessity.
79. No gatherings, except for funerals or some ceremony or observance permitted by the CAO or designate, will be held or be allowed within the said Cemeteries and no person, without reasonable cause, will be or remain within the said cemeteries during the hours of darkness.
80. The CAO or designate will have full authority to remove any unsightly works, markers, monuments, adornments, stand, holder, vase or plants, artificial or otherwise, which he/she deems to be unsuitable for such purposes or unsightly in appearance.
81. All flowers will be removed from plots and niches thirty days after interment. Plots will then be covered with topsoil and seeded to grass as conditions permit.
82. All persons walking in the Cemeteries will keep to the paths and walks and will not walk upon or across any plot except for maintenance operations.
83. No person will damage any tree, shrub or plant growing in the said Cemeteries, nor pick or destroy any flower growing therein or write upon, mark, scratch, or deface any tablet, monument, plaque, cross, fence, gate, building or structure within or around the said Cemeteries.
84. No person will erect borders, fences, railings, grave covers, curbs, or plant hedges, shrubs, trees or flowers in or around a plot or in any cemetery.

#### **PENALTY**

85. Any person or corporation who contravenes any provision of the bylaw, either by doing something that is prohibited or failing to do something that is required, is guilty of an offense and is liable on summary conviction to a fine not in excess of one thousand dollars (\$1,000.00). If in default of payment of the fine and costs, any person referenced above may be subject to imprisonment for a period not exceeding sixty (60) days or until such fine and costs have been paid.
86. The minimum fine for the contravention of any provision of the bylaw will be one hundred dollars (\$100.00) for a first offense.
87. The minimum fine for a contravention of any provision of this bylaw will be two hundred dollars (\$200.00) for a second and subsequent offense.

#### **CONSEQUENTIAL PROVISIONS**

88. Nothing in this Bylaw relieves a person from complying with any Federal or Provincial law or regulation, other Town bylaws, or any requirement of any lawful permit, order, or license.

## SEVERABILITY

89. Every provision of this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw will remain valid and enforceable.

## ENACTMENT

90. This bylaw will come into force and effect when it has received third reading.
91. Upon third and final reading and signing of this Bylaw, The Cemeteries Bylaw Number 1684/2015 and its amendments are hereby repealed.

Read a First time this 9<sup>th</sup> day of May, 2022

Read a Second time this 24<sup>th</sup> day of May, 2022

Read a Third time and passed this 24<sup>th</sup> day of May, 2022

  
\_\_\_\_\_  
Mayor, Megan Hanson

  
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Interim Chief Administrative Officer, Sean Durkin

