



TOWN OF HINTON
BYLAW # 1183
BYLAW OF THE TOWN OF HINTON IN THE PROVINCE OF
ALBERTA
TO PROVIDE FOR THE PROVISION OF
A CEMETERY IN THE TOWN OF HINTON.

WHEREAS the Town of Hinton owns a parcel of land registered through the plan of subdivision 5781KS known as Woodlawn Cemetery.

AND WHEREAS this land is a cemetery approved by the Provincial Board of Health under Final Certificate of Approval No. 797 dated April 29, 1959.

AND WHEREAS Council established Bylaw No. 796 to provide the terms and conditions under which Woodlawn Cemetery will be made available to individuals in the Town of Hinton.

AND WHEREAS Council by Bylaw 796-5 amended Bylaw 796 in April 2023 to update the "Schedule A - Cemetery Fee Schedule" with the current fees for the purchase of goods and services related to Woodlawn Cemetery.

AND WHEREAS Council now deems it expedient to revise the terms and conditions under which Woodlawn Cemetery will be made available to individuals in the Town of Hinton.

NOW THEREFORE, the Municipal Council of the Town of Hinton, in session duly assembled, hereby enacts as follows:

Part 1: Interpretation

1. TITLE

- 1.1 This Bylaw may be referred to as the Cemetery Bylaw.

2. DEFINITIONS

- 2.1 "Act" means the *Municipal Government Act*, R.S.A. 2000 c. M-26, as amended.
- 2.2 "After Hours" means anytime on Saturday, Sunday, and statutory holidays and after 2 pm on any day Monday through Friday.
- 2.3 "Administration" means the Town of Hinton employees having designated duties in s. 3 of this Bylaw, which excludes on-site Cemetery operations for which the Supervisor is responsible.

- 2.4 "Burial" means the act of Interring human remains and Cremains in the ground, including excavating a Grave to the required depth and area, backfilling the excavation after Interment, removal of any excess soil, top dressing, and seeding the site as needed to facilitate a level grassed Cemetery ground.
- 2.5 "Cemetery" means Woodlawn Cemetery and any additional land in Hinton designated as a Cemetery by Council and the Alberta Government.
- 2.6 "Child" is a person aged 12 years or younger.
- 2.7 "Columbarium" is a structure with Niches for the Interment of Cremains in containers.
- 2.8 "Council" means the elected officials of the Town of Hinton assembled in quorum.
- 2.9 "Cremains" are the residue of the cremation of a human body, e.g., ashes and cinders.
- 2.10 "Double Depth" means the excavation of a Grave to a depth of approximately nine (9) feet to Inter human remains and allow for a second Burial in the same Grave on top at the minimum depth of six (6) feet.
- 2.11 "Exhumation" means the act of unburying human remains or Cremains, including excavating a Grave to the required depth and area to allow removal of the remains with the casket or other container, backfilling the excavation afterward, removing excess soil, and top dressing and seeding to facilitate level grassed Cemetery grounds.
- 2.12 "Fee" is a charge or surcharge levied for Cemetery products and services provided by the Town of Hinton.
- 2.13 "Grave" means a plot of land 12' x 5' in the Cemetery where human remains and Cremains can be Interred.
- 2.14 "Green Burial" means the Burial of human remains or Cremains that were not embalmed into a Grave or Niche in a natural-materials-only container, e.g., a linen shroud or a wicker, wood, stone, or ceramic container.
- 2.15 "Internment" is the act of placing human remains and Cremains in a Grave or a Niche, also known as disposition.
- 2.16 "Mausoleum" is a structure partly or wholly above ground level designed for the Interment of dead human bodies or Cremains.
- 2.17 "Monument" means a memorial marker placed in direct relation to a Grave, also called a headstone, tombstone, pillow stone, or plaque, typically made of granite, marble, fieldstone, or bronze and either upright and supported by a foundation or base or flat and level with the ground; and can include Multicultural Monuments

such as an Indigenous spirit house.

- 2.18 “Multicultural Services” are Interments of human remains or Cremains following rituals, timeframes, orientations (e.g., east-west), Grave preparations (e.g., sand bed), or other practices of the World Religion of the deceased or their next of kin; includes traditional Monuments of established cultures e.g., Indigenous spirit houses.
- 2.19 “Niche” is a secure compartment in a Columbarium marked with bronze memorial plaque(s) for the Interment of up to two containers of Cremains.
- 2.20 “Owner” means the person who purchased one or more Graves or Niches, their heirs and successors, and a person to whom an Owner or the Town has lawfully transferred a Grave or Niche.
- 2.21 “Perpetual Care Reserve” is a restricted monetary reserve held by the Town of fees collected from Grave and Niche purchasers intended to fund Cemetery grounds and amenity maintenance, repair, replacement, and demolition through capital and operating projects approved by Council resolution.
- 2.22 “Regular Hours” are Monday through Friday, 9:00 a.m. to 2:00 p.m., except statutory holidays.
- 2.23 “Rubbish” means garbage, litter, weeds, decayed flowers, weathered wreaths and mementos, loose items placed on Graves, Monuments, and Niches interfering with maintenance, and any other items or materials causing an untidy appearance to any part of the Cemetery grounds.
- 2.24 “Supervisor” is the Town of Hinton lead and his or her team of employees having duties designated in s.4 of this Bylaw, which exclude Cemetery work for which Administration is responsible.
- 2.25 “World Religion” is limited to include only Hinduism, Buddhism, Islam, Judaism, and Christianity.
- 2.26 “Veteran” is anyone who served in the Canadian Armed Forces or the Royal Canadian Mounted Police and his or her spouse(s).

Part 2: Application

3. ADMINISTRATION

- 3.1 Administration of the Town of Hinton will, in accordance with Schedule A – Cemetery Fees attached to and forming part of this Bylaw:
 - 3.1.1 Sell Graves, Niches, Niche plaques and parts, and cemetery services to the public.

- 3.1.2 Book Burial, Exhumation, Niche open and close services for persons in control of the disposition of human remains, in accordance with Schedule C – Priority in Disposition Control attached to and forming part of this Bylaw.
- 3.1.3 Issue written authorization for any Cemetery-related historical, educational, and ceremonial events.
- 3.1.4 Collect Perpetual Care fees and manage the Perpetual Care Reserve.
- 3.1.5 Buy back unused or emptied Graves and Niches at the Owner's request for the full purchase price, including the Perpetual Care fee, less the Administration fee.
- 3.1.6 Transfer the ownership of a Grave or Niche at the written direction of an Owner or his or her personal representative or equally authorized person, provided the direction includes all required information for the new Owner and is accompanied by the applicable Administration fee.
- 3.1.7 Take back ownership of a Grave or Niche without payment to the Owner if the space remains unused after 20 years, provided reasonable efforts have been made to contact the Owner to complete a buyback.
- 3.1.8 At the Town's sole discretion, rectify any errors, omissions, misdescription, or misdirection in the sale of or Interment in a Grave or Niche with either a refund of the original purchase price or substitution with another Grave or Niche of equal value.
- 3.1.9 In consultation with the Supervisor, receive, review, and approve requests for Multicultural Services without surcharge, as the capacity of the Supervisor and Cemetery Operations can accommodate.
- 3.1.10 In consultation with the Supervisor and as approved by Council, provide a separate marked Cemetery block for the Interment of Veterans.
- 3.1.11 In cooperation with other Town Departments, ensure an adequate supply of Graves and Niches for the Interment of human remains and Cremains through Council-approved projects to acquire, designate, and develop land and structures for the purpose.
- 3.1.12 Create and maintain records of all information related to the sale or transfer of products and services as may be required by the Director of Cemeteries for the Alberta government, including at minimum records of the information listed in Schedule B – Cemetery Records attached to and forming part of this Bylaw.

4. OPERATIONS

- 4.1 Notwithstanding the following, the Town will not pay for, repair, or replace lost or damaged private property placed in the Cemetery, including Monuments, from

causes such as weather, vandals, thieves, incidents, acts of God, etc.

4.2 The Supervisor will operate Woodlawn Cemetery, including:

- 4.2.1 Maintaining, repairing, demolishing, removing, clearing, cleaning, and replacing landscaping, installations (other than Monuments), structures and amenities, including roads, sheds, railings, fences, gates, signs, benches, planters, and landscaping, including trees, turf, and other plantings.
- 4.2.2 After public notice, remove decorations, trinkets, mementoes, and containers placed at or on Graves, especially weathered and decomposing items, and hold the item(s) for no more than 30 days before disposal without notice.
- 4.2.3 Repairing damage to Monuments at the Town's cost when direct attribution to operations is demonstrated, in consultation with the Owner or next of kin, or where reasonable attempts to contact the Owner or next of kin fail, without consultation.
- 4.2.4 Reviewing Monuments to ensure their form, installation, and placement substantially conform with Schedule E – Monument Guidelines, attached to and forms part of this Bylaw.
- 4.2.5 Notifying Owners of necessary Monument repairs.
- 4.2.6 Creating and retaining operational records in accordance with the Town of Hinton records retention schedule.
- 4.2.7 Performing Interments through Burial, opening/closing Niches, and installing Niche plaques and parts.
- 4.2.8 In consultation with Administration, reviewing and approving requests for Multicultural Services as the capacity of Cemetery Operations can accommodate.
- 4.2.9 In cooperation with other Town Departments, ensuring an adequate supply of Graves and Niches for the Interment of human remains and Cremains through Council-approved projects to acquire, designate, and develop land and structures for the purpose.
- 4.2.10 Proposing and executing capital and operational projects to continue or enhance the Cemetery's service level and to ensure an orderly, decorous, and dignified site.
- 4.2.11 Taking all reasonable precautions to protect the private property of Owners, including Graves, Niches, Niche plaques, and Monuments, from loss or damage from operational activities.

5. MONUMENTS

- 5.1 Monument height, depth, width, base, and material must substantially conform with Schedule E - Monument Guidelines, and inscriptions may not be offensive.
- 5.2 Installation of Monuments may not take place during a service or other approved gathering in the Cemetery.
- 5.3 Manufacturer, supplier, and other business insignia or advertising on Monuments are prohibited.
- 5.4 Except as approved through a Multicultural Services application, Grave markers other than Monuments and accoutrements, such as curbs, fences, railings, walls, copings, and covers, are not permitted.

6. GENERAL REGULATIONS

- 6.1 Owners are responsible for keeping the Town updated with their current contact details and for repairing Monuments promptly to preserve the orderliness, decorum, and dignity of the site.
 - 6.1.1 Where the Town has notified an Owner that a Monument needs repair, and the Owner fails to make the repair within 30 days of the notice, the Supervisor may repair or remove the Monument and recover costs from the Owner.
- 6.2 Except where an approved Multicultural Service requires otherwise, bookings for Interments must be made in advance of the service as follows:
 - 6.2.1 Between May 1 and October 31, at least one and a half (1.5) working days prior.
 - 6.2.2 Between November 1 and April 30, at least three (3) working days prior.
- 6.3 A single Grave can be used to Bury the human remains of a maximum of two (2) persons.
 - 6.3.1 The second Interment in the Grave will be permitted only if the first Burial was completed at Double Depth.
- 6.4 A single Grave may be used to Bury one (1) individual and a maximum of four (4) Cremains, provided the Burial depth allows the Cremains container to be covered by at least two and a half (2.5) feet of soil and still result in a level Cemetery grounds after settlement, top dressing, and seeding.
- 6.5 Graves will be closed immediately after an Exhumation, and the cost for Burial of the Exhumed human remains in the same Grave, another Grave, or Interment in a Niche will be charged at the regular rate for Interment.
- 6.6 The Town does not provide lowering devices or mats for Grave services.

6.7 Owners may not:

- 6.7.1 re-sell a Grave or Niche for profit or confer the right to Inter human remains or Cremains in their Grave or Niche for remuneration.
- 6.7.2 use Graves and Niches for any purpose other than the Interment of human remains and Cremains.
- 6.7.3 install a Mausoleum at or on their Grave.

6.8 Only the Owner of a Grave or Niche and the person(s) having control over the disposition of a deceased Owner's body may Inter human remains or Cremains in the owned Grave or Niche.

6.9 No person, except for Town of Hinton employees and agents on duty, may:

- 6.9.1 Open or close a Grave, Niche, or Bury anything in the Cemetery.
- 6.9.2 Bring animals, or cause or allow animals to be brought into the Cemetery unless the animal is tethered, under the effective control of an adult person, and kept on a road or developed trail.
- 6.9.3 Disturb the orderliness, decorum, and dignity of the Cemetery with or by noise, disorderly conduct, staging unapproved events, working during a service, advertising or soliciting business, depositing rubbish other than in receptacles provided, operating an ATV anywhere on the site, or driving a motor vehicle off-road or faster than the speed limit.
- 6.9.4 Be in the Cemetery between 11 p.m. and 6 a.m.
- 6.9.5 Place or leave any decorations, trinkets, mementoes, containers, or vases at or on a Grave or Monument excepting:
 - 6.9.5.1 bronze and stone containers permanently affixed to a Monument and off the ground.
 - 6.9.5.2 funeral and service wreaths and flowers for 30 days following the service.
- 6.9.6 Plant any shrubs, trees, or plants, or install any bench, railing, or statue anywhere in the Cemetery, including on or at a Grave.
- 6.9.7 Damage the Cemetery, including the grounds, Monuments, signs, amenities, landscaping, buildings, or other structures, including fences, gates, railings, and access control or area closure markers.
- 6.9.8 Move or remove any unowned items such as Monuments, wreaths, flowers, ornaments, trinkets, mementoes, sod, plants, sand, and soil.

7. ENFORCEMENT

- 7.1 Any person who contravenes any provision of this Bylaw is deemed to have committed an Offence and is liable to eviction from the Cemetery and a fine as outlined in Schedule D – Contraventions and Fines attached to and forming part of this Bylaw.
- 7.2 Fines may be imposed via a Municipal Tag or a Violation Ticket issued pursuant to the *Provincial Offences Procedure Act*.
- 7.3 A Peace Officer is authorized and empowered to evict any Offender from the Cemetery and/or issue a Municipal Tag or a Violation Ticket in addition to an eviction.
- 7.4 The Municipal Tag or Violation Ticket may be issued to an Offender in person or by leaving it at the Offender's last known residence with a person on the premises apparently aged 18 or older.
- 7.5 In addition to service provisions in s. 7.4 a Municipal Tag may be served to an Offender via registered mail to the Offender's last known address.
- 7.6 The Municipal Tag or Violation Ticket will be in a Town-approved form and state:
 - 7.6.1 The name of the Offender.
 - 7.6.2 The date and location of the Offence and the Bylaw section contravened.
 - 7.6.3 The specified penalty established by this Bylaw for the Offence.
 - 7.6.4 The prescribed period within which the Person may pay the penalty indicated on the Municipal Tag or Violation Ticket to avoid prosecution if provided; and
- 7.7 Where a Municipal Tag is issued pursuant to this Bylaw, the Offender to whom the Municipal Tag is issued may avoid prosecution for the Offence by paying the specified penalty on the Municipal Tag to the Town within the time prescribed on the Municipal Tag.
- 7.8 If a Municipal Tag has been issued and the specified penalty is not paid within the prescribed time, a Peace Officer is authorized and empowered to issue a Violation Ticket for the same Offence pursuant to the *Provincial Offences Procedure Act*.
- 7.9 Notwithstanding Section 4.6, a Peace Officer is hereby authorized and empowered to immediately issue a Violation Ticket to an Offender pursuant to the *Provincial Offences Procedure Act* instead of a Municipal Tag.
- 7.10 If a Violation Ticket is issued in respect of an Offence, the Violation Ticket must:

7.10.1 Specify the penalty established by this Bylaw for the Offence, which may be paid voluntarily within a prescribed period; or

7.10.2 Specify a date and place for the Offender to appear in Provincial Court without the option of making a voluntary payment.

7.11 Any Offender to whom a Violation Ticket has been issued with a voluntary payment option may make a voluntary payment of the specified penalty by delivering the Violation Ticket with payment to the Provincial Court specified on the Violation Ticket on or before the initial appearance date indicated on the Violation Ticket.

8. SEVERABILITY

8.1 If any portion of this Bylaw is found by a court of competent jurisdiction to be invalid, such portion shall be severed from the Bylaw, and the remainder will remain valid.

9. REPEALS AND COMING INTO FORCE


6.1 Bylaw No. 796 and Bylaws 796-1 through 796-5 inclusive, and all amendments thereto, are hereby repealed upon the coming into force of this Bylaw.


6.2 This Bylaw shall take effect on the final day of passing.

READ A FIRST TIME THIS 19th DAY OF DECEMBER 2023.

READ A SECOND TIME THIS 20TH DAY OF FEBRUARY 2024.

READ A THIRD TIME THIS 20TH DAY OF FEBRUARY 2024.



Mayor

Chief Administrative Officer

Schedule A - Cemetery Bylaw No. 1183
Fee Schedule

Grave Purchases

Single Grave	\$450.00
Child Grave	\$225.00
Veteran Grave	\$225.00

Interment and Dis-Interment Fees

Burial or Exhumation (body)	\$800.00
Burial or Exhumation (Cremains)	\$425.00

Outside of regular hours, a surcharge will be added to both Fees at	25%
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<u>Columbarium Niche Purchase</u>	\$1,700.00
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Includes one standard plaque order
and one open/close service. Custom
plaques, scrolls, and revised plaques
are available at an additional cost.

<u>Second Niche Open/Close Service</u>	\$100.00
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Outside of regular hours, a surcharge will be added to Columbarium Niche Open/Close Service Fee at	10%
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Miscellaneous Charges

Administration Fee	\$25.00
GST (added to all fees)	rate at time of purchase

Schedule B – Cemetery Bylaw No. 1183
Cemetery Records

At a minimum, the following permanent records will be created and retained by Administration:

1. the date of sale, the price, and the name and address of the purchaser of a Grave or Niche.
2. the name and address of any person to whom a Grave or Niche is transferred and the date of transfer.
3. the date of Interments.
4. the name of Interred persons.
5. the name and address of the personal representative or next of kin of Interred persons.
6. the charges for municipal services related to an Interment and the nature of those services.
7. the particulars of all Disinterment of human remains.

Schedule C – Cemetery Bylaw No. 1183
Priority in Disposition Control

Control over the disposition of human remains in the Cemetery is acknowledged in the following order:

1. the personal representative designated in the will of the deceased.
2. the spouse or adult interdependent partner of the deceased if the spouse or adult interdependent partner was living with the deceased at the time of death.
3. an adult child of the deceased.
4. a parent of the deceased.
5. a guardian of the deceased under the *Adult Guardianship and Trusteeship Act* or, if the deceased is a minor, under the *Child, Youth and Family Enhancement Act* or the *Family Law Act*.
6. an adult grandchild of the deceased.
7. an adult brother or sister of the deceased.
8. an adult nephew or niece of the deceased.
9. an adult next of kin of the deceased determined on the basis provided by sections 67 and 68 of the *Wills and Succession Act*.
10. the Public Trustee.
11. an adult person having some relationship with the deceased not based on blood ties or affinity.
12. the Minister of Community and Social Services.

Schedule D – Cemetery Bylaw No. 1183
Contraventions and Fines

Section	Offence	Fine Amount
6.9.2	Bring or Cause an Untethered Animal in Cemetery	\$100
6.9.3	Disturb the Cemetery	\$100
6.9.4	In Cemetery During Closed Hours	\$100
6.9.7	Damage Cemetery	\$100
6.9.8	Take Unowned Item from Cemetery	\$100

Schedule E – Cemetery Bylaw No. 1183

Monument Guidelines

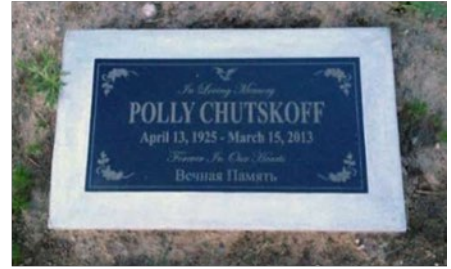
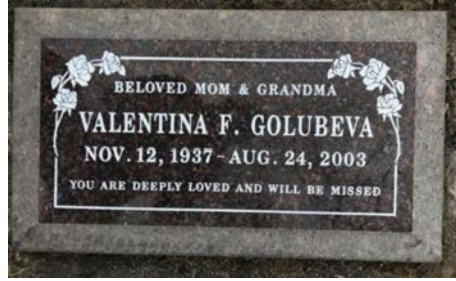
1. Vertical Monuments are upright stone markers set on a Foundation and optionally on a Base.
 - 1.1. Base means a horizontal bottom stone resting on a Foundation and supporting a vertical Monument for elevated height.
 - 1.2. Foundation means a concrete or stone slab or a concrete runner to support a vertical Monument which is installed flush to the ground, on gravel, measures three inches wider on each side than the Base (if there is one) or a Monument and is thick enough to support a Monument's weight levely.
2. A Flat Monument is a memorial stone marker at least two inches thick installed flush to the ground, whether set in concrete or not.
3. Pillow Monuments are lower profile vertical stone Monuments with a back taller than the front, set on a Foundation and optionally on a Base.

Illustration of a Vertical Monument and components. Guidelines below.



Single Vertical Monument	Length	Width	Double Vertical Monument	Length	Width
Foundation	48"	24"	Foundation	96"	24"
Base	42"	18"	Base	90"	18"
Monument (w. Base)	36"	Thickness 12"	Monument (for a Base)	84"	Thickness 12"
Monument (no Base)	42"	Thickness 18"	Monument (no Base)	90"	Thickness 18"
Total height Monument + Base	40"		Total height Monument + Base	40"	

Illustration of
Flat Monuments:
(r) no concrete,
flushed border;
(l) set in concrete



Single Flat Monument	Length	Width	Double Flat Monument	Length	Width
Cement Foundation	48"	24"	Cement Foundation	96"	24"
Base (first Monument only)	42"	18"	Base (first Monument only)	90"	18"
Flat Monument on a Base	36"	12"	Flat Monument on a Base	84"	12"
Flat Monument set in cement	42"	18"	Flat Monument set in cement	90"	18"
Flushed granite set in the ground	48"	18"	Flushed granite set in the ground	96"	18"

Illustration of Pillow Monument
(on a base);
guidelines below.



Single Pillow	Length	Width	Double Pillow	Length	Width
Foundation	48"	24"	Foundation	96"	24"
Base	42"	18"	Base	84"	18"
Pillow on a Base	36"	12"	Pillow on a Base	72"	12"
Pillow no Base	42"	18"	Pillow no Base	84"	18"
Total height Pillow + Base	18"		Total height Pillow + Base	18"	