

BEING A BY-LAW OF THE TOWN OF WESTLOCK IN THE PROVINCE OF ALBERTA TO PROVIDE FOR REGULATION AND CONTROL OF THE WESTLOCK MUNICIPAL CEMETERY

WHEREAS, the Cemeteries Act, R.S.A. 2000, C-3 as amended, and the regulations permit a municipality to own and operate cemeteries within its boundaries;

WHEREAS, pursuant to the Municipal Government Act, R.S.A. 2000 c. M-26, as amended, any Council may pass bylaws for the municipal purposes respecting services provided by the municipality; and

WHEREAS, the Council of the Town of Westlock deems it necessary to pass a bylaw respecting the operation of cemeteries owned by the Town of Westlock;

NOW THEREFORE, the Council of the Town of Westlock, in the Province of Alberta, duly assembled, HEREBY ENACTS as follows:

1.0 SHORT TITLE

- a. This Bylaw may be cited as the "Cemetery Bylaw".

2.0 DEFINITIONS

In this Bylaw, unless the context otherwise requires:

- a) **ASH INTERMENT** - the act of burying cremated remains. The act includes the digging of the grave, placement of the ashes and backfilling of the grave. Also means the act of placing cremated remains in the Columbarium.
- b) **BLOCK** - a group of Plots (graves) without a walkway or roadway between them.
- c) **CAO** – the person appointed as the Chief Administrative Officer of the Town of Westlock.
- d) **CEMETERY** - the Town of Westlock Cemetery in the Town of Westlock owned and operated by and under the control of the Town of Westlock.
- e) **CEMETERY SUPERVISOR** - the employee or department of the Town of Westlock charged with the care and control of the Cemetery, or an employee of the Town of Westlock to whom the Cemetery Supervisor delegates the responsibilities under this Bylaw.
- f) **COLUMBARIUM** - a structure designed for storing the ashes of human remains that have been cremated.
- g) **COLUMBARIUM NICHE** – the receptacles within the columbarium specifically designed to hold cremation urns.
- h) **CONCRETE FOUNDATION** – a piece of rectangular concrete which is placed to support a monument.



- i) **CONTINUOUS MONUMENT FOUNDATIONS** - concrete installed by the Town to support monuments. These foundations are continuous in fashion.
- j) **CREMAINS** – ashes of a cremated human bodies.
- k) **FIELD OF HONOUR** - an area in the Cemetery reserved for burial of service and ex-servicemen and women and their spouses.
- l) **FLOWERING ORNAMENTAL** - any perennial, annual or bi-annual flowering plant.
- m) **GRAVE** - a Plot designed for the burial of human remains or ashes.
- n) **GRAVE LINER** - a concrete; metal or fiberglass rough box placed in a grave to house a casket.
- o) **INDIGENT** - a Person without means, support, or known relatives requiring burial at the Cemetery.
- p) **INTERMENT** – the act of burying human remains.
- q) **INTERMENT SPACE** – a lot, plot, compartment, crypt or other space for the disposition of human remains in a cemetery, mausoleum or columbarium.
- r) **MONUMENT** – a structure in the Cemetery erected or constructed on any grave or Plot, for memorial purposes; a headstone, tombstone, upright or vertical monument, pillow monument, a flat monument, that is made of granite, marble, bronze, or other material acceptable to the Town. All of these are supported by a concrete foundation which is somewhat lower but level with the surrounding ground contour of that particular grave.
- s) **NICHE** – a single compartment within a columbarium, as for holding a statue or urn.
- t) **OPEN and CLOSE** – the digging of the grave, the placement of the rough box or vault, backfilling of the grave, site clean-up and placement of funeral decorations and reestablishment of grass as soon as practicable afterwards. This applies to the digging of a cremation grave by manual or mechanical means. This also applies to the opening and closing of a niche in the columbarium.
- u) **PERPETUAL CARE** - the preservation and maintenance in perpetuity of the grounds, and any shrubs, trees, walkways, structures, fencing, or gates installed by the Town, including the grounds and Columbarium. This does not include Monument care.
- v) **PERSON** - include an individual, partnership; corporation; heir; executor with burial privileges.
- w) **PLOT** - one grave; or one niche in a columbarium.
- x) **RESERVE PLOT** - a Plot or number of Plots which are to be reserved for the burial of one or more deceased persons.
- y) **SECTION** – an area containing several Plots (graves), divided by a roadway.

- z) TOWN** - the Town of Westlock.
- aa) VETERAN** - a Person defined in the *War Veterans Allowance Act* (Canada) and regulations.
- bb) WOODY ORNAMENTAL** - any trees, shrubs, and creeping or climbing plants.
- cc) WORKING HOURS** - the regular hours of work between 7:30 a.m. and 4:30 p.m., Monday through Friday, excluding declared or Statutory Holidays.

NUMBER and GENDER REFERENCES - All references in this Bylaw will be read with such changes in number and gender as may be appropriate according to whether the reference is to a male or female person, or a corporation or partnership.

3.0 GENERAL RULES

3.1 Location of Cemetery

- a.** The Town of Westlock Cemetery described as follows:
Lot A Plan 8921367, PT NW 32 59 26 W4.
Street address 9503 - 96 Avenue.
- b.** In addition to the lands described above, the Town may, from time to time, designate certain other lands, whether adjoining or abutting the said lands, for Cemetery purposes and these lands shall be regulated and controlled in accordance with this Bylaw.

- 3.2** The Town is the sole provider of general care services; sale of Plots and Niches and opening and closing of Plots and Niches.
- 3.3** The Cemetery fees shall be in accordance with the rates set out in the Town of Westlock Fees and Rates Bylaw, that may be amended from time to time. All fees are to be paid to the Town of Westlock.
- 3.4** All purchases of Plots and/or Niches are to be arranged at the Town of Westlock Administration Office.
- 3.5** Full Plot, Niche and Perpetual Care fees are to be paid in full at the time of reservation.
- 3.6** The Cemetery Supervisor shall have the sole control of all matters within the Cemetery that are concerned with maintaining the Cemetery in a neat and pleasing condition, and to that end is hereby authorized to regulate and control the Cemetery. The owner of a Plot and the public shall observe all rules and regulations passed from time to time by the Town.



- 3.7** The Town will take all reasonable precautions to protect the property within the Cemetery, but assumes no responsibility for the loss of, or damage to, any Monument, marker or part thereof, or any other article placed on a Plot, or to a Plot itself.
- 3.8** No Person shall willfully or unlawfully disturb the quiet and good order of the Cemetery or Persons assembled for the purpose of a burial service by noise or other improper conduct.
- 3.9** All work being conducted in the immediate vicinity of a Plot shall cease while a service or Interment is being conducted and all trucks, equipment and workmen shall withdraw from view from the location of the service.
- 3.10** No Person shall destroy, damage, deface or write upon any Monument or other structure or object in the Cemetery.
- 3.11** No pets or animals shall be allowed in the Cemetery Plot areas. Pets are allowed on the Rotary Trail which runs through the Cemetery and must adhere to applicable Town Bylaws.
- 3.12** The Cemetery shall be open from 8:00 a.m. until 8:00 p.m. for visiting purposes.
- 3.13** No Person shall drive any vehicle through the Cemetery at a speed exceeding 15 km/h and then may only drive a vehicle upon the roadway provided for that purpose. The owner of any vehicle shall be responsible for any damage done by vehicle within the boundaries of the cemetery.
- 3.14** The Town may prohibit the driving of, or parking of, any vehicles in any part of the Cemetery.
- 3.15** No Person shall park a vehicle on grassed areas of the Cemetery.
- 3.16** No Person shall ride a snowmobile, all-terrain vehicle, motorcycle or horse in the Cemetery unless they are a part of a funeral procession.
- 3.17** No Person shall ride a bicycle over the Plots, nor lean it against any Monument, nor leave it on any Plot.
- 3.18** No Person shall enter the Cemetery carrying firearms unless such Person is participating in a military service or the Person is part of a police force.
- 3.19** The Town, its agents or employees shall not be responsible for any injury resulting to any Person who enters a Cemetery.
- 3.20** The Town of Westlock Cemetery is non-denominational.



4.0 CARE OF PLOTS

- 4.1** The Town is not obliged to provide maintenance due to damage that can occur to the grounds and/or difficulties of the freeze/thaw seasons. The Town reserves the right to alter the commencement and elimination of the maintenance period for whatever reason.
- 4.2** The Cemetery Supervisor is authorized to remove, or have removed, any weeds, grass, funeral designs or floral pieces, which may become wilted or faded, or any other article or thing which, is unsightly, dangerous, detrimental, diseased or obstructs the ability to maintain the cemetery.
- 4.3** Flowers and funeral designs will be permitted on the Plot from the day of the burial for a period of fourteen (14) calendar days.
- 4.4** No Person shall place any flowers and potted plants on the turf areas of Plots.
- 4.5** The Cemetery Supervisor is authorized to remove, any Woody Ornamentals situated on or about the Cemetery that become, by means of their roots or branches, or in any other way detrimental to adjacent Plots, walks or driveways, prejudicial to the general appearance of the grounds, dangerous or inconvenient to the public.
- 4.6** No Person shall disturb or remove or place any Flowering Ornamental, Woody Ornamental, sod or dirt anywhere in the Cemetery.
- 4.7** Flowering Ornamentals or Woody Ornamentals donated in memory of a deceased Person will be planted by the Cemetery Supervisor at a place in the Cemetery designated by the Town.
- 4.8** No Person shall erect upon a Plot any fence, railing, wall, border, hedge, or the like.
- 4.9** Every owner of a Monument upon any Plot shall maintain it in proper repair. The Town shall report in writing, to a family member or responsible party, any Monument that is in a state of disrepair, if the owners' whereabouts is known. The Town may remove a damaged Monument.
- 4.10** The Cemetery Supervisor may remove any Monument from a Plot when necessary to gain access to another Plot, provided that such Monument is re-installed in a like manner.
- 4.11** No Person shall deposit any refuse of any kind on any portion of the lands within the boundaries of the Cemetery except in receptacles provided for that purpose.
- 4.12** No items are to be installed or placed on the Columbarium. Only Town supplied vases are to be installed on Columbarium #1.
- 4.13** The Town may construct, erect or place in the Cemetery such structures, developments, and improvements as deemed necessary for the operation of the Cemetery.



5.0 PLOT DESCRIPTIONS**5.1 Plots**

Size of Full Plots	5 feet x 9 feet
Child Plots	2 feet x 4 feet
Meadow Section - Cremation Plots	2 feet x 4 feet
Lilac Section Block 255 - Cremation Plots	2 feet x 4 feet

Cemetery plans showing the area for burial purposes, including a record of all interments and disinterment's will be kept at the Town office.

- 5.2** The Cemetery Supervisor shall make all sales of Plots in the Cemetery including Columbarium niches and shall receive all monies resulting from sale of such Plots.
- 5.3** The Town reserves the right to limit the number of Plots developed and/or made available for sale each year: and to direct the areas and sequencing of development and Plot sales.
- 5.4** Any Person acquiring a Plot or Plots under the provision of this Bylaw shall only acquire the right and the privilege of burial of the dead therein subject to the provision of this Bylaw and shall not be deemed to acquire any title to the land which shall remain vested in the name of the Town.
- 5.5** If the Town for any reason deems a previously purchased Plot unusable, the Town will supply a similar Plot at no additional cost to the original purchaser or heirs and the original Plot shall revert to the Town.
- 5.6** No Person shall make a reservation for one or more Plots without making payment in full at the time of the reservation. No more than four (4) reserve Plots may be purchased by any person or estate, except in special circumstance when approved by the CAO.
- 5.7** Upon payment of the full price of any Plot, the Town shall provide a receipt for the said sum and provide a certificate for the Plot to such Person or to that Person's personal representative.
- 5.8** Plots shall not be resold, transferred or disposed of in any manner, except by transfer back to the Town at 85% of its market value at the date of resale, less a transfer fee as set out in the Fees and Rates Bylaw. No transfer shall be valid unless it is duly registered with the Town.
- 5.9** It is a condition at the time of the sale of an Interment Space that the Town has the right to reclaim all unused interment spaces after the Town has not heard from the purchaser of the Interment Space, or from that purchaser's personal representative, for a period of twenty (20) years, in accordance with the Cemetery Act C-3.
- 5.10** When a Plot is held by two (2) or more Persons, an order for Interment in such a Plot or any part of it, will be accepted by the Town from any one (1) of the Persons or their personal representative.



- 5.11** Plots shall not be used for any purpose other than burial grounds for human remains and or human cremains.

Single Full Plot may only be used for:

1. The single Interment of one body; or
2. Four (4) Ash Interments; or
3. The single Interment of one body but with the provision that up to four (4) ash Interments may also occur, or
4. Where there are areas that do not accommodate these numbers, the room provided will dictate the number of Interments or Ash Interments permitted. Cremains may be interred in any Plot already occupied where the Person (who is deemed to have the authority) gives written permission for such Interment.

Cremation Plots up to two (2) Ash Interments.

Child Plots

1. Meadow Section Blocks 154, 155, 156, 157, the single Interment of a child remains.
2. Meadow Section Blocks 146-153, the single Interment of a child remains and up to 2 Ash Interments.

6.0 INTERMENTS AND DISINTERMENTS

- 6.1** The Town will not consent to an Interment or Ash Interment without the burial permit prescribed by the Government of Alberta.
- 6.2** No Interment shall be permitted in the Cemetery until there has been produced to the Town; a Town of Westlock Interment Order completed and signed by the owner of the Plot in which such Interment is to be made, or the personal representative of the owner, or except in the case of funeral homes who have entered into an agreement with the Town.
- 6.3** Disinter permits are required to disinter or remove the remains of a deceased person from their place of Interment. The Town will not consent to the opening of a grave site and/or removal of a body without a disinter permit issued by the Government of Alberta. A licensed funeral director must be in charge and the RCMP is to be advised.
- 6.4** The Person requesting a disinterment shall give complete and precise instructions regarding the location of the Plot. The Town of Westlock shall not be responsible for any errors resulting from the lack of proper instruction. Costs of disinterment will be at the sole cost of the Person making the request.
- 6.5** All Interments and disinterments in the Cemetery shall be under the control of the Cemetery Supervisor.

- 6.6** Cremains may be disinterred from the Columbarium by application to the Town on the approved form.
- 6.7** No Plot shall be opened or closed for any reason by any Person not in the employment of the Town or under contract with the Town.
- 6.8** Every owner of a Plot in the Cemetery, or the owner's personal representative, shall be held responsible for the cost of the Plot and for all charges in connection with Interment and/or disinterment when applicable.
- 6.9** A second Interment shall not be permitted in any Plot on which there are unpaid charges due and payable to the Town.
- 6.10** The burial of cremated remains shall be in such portion or portions of the Cemetery as may be designated by the Town. The general rules and conditions discussed elsewhere in this Bylaw associated with traditional burials will still apply to Interment of cremains; fees and charges are different and are in accordance to the Fees and Rate Bylaw.
- 6.11** Cremains must be contained in an urn or urn box, of a size to fit inside the particular Plot.
- 6.12** The burial of destitute or Indigent Persons and unclaimed bodies may be placed in such a portion or portions of the Cemetery as may be designated by the Town.
- 6.13** Interment will not be permitted in Sections where written records are insufficiently accurate to confirm either ownership or occupancy.

7.0 SCATTERING AREA

- 7.1** Is an exclusive area set aside in the Cemetery where human cremains are permitted to be scattered. Refer to the Fees and Rates Bylaw.

8.0 NOTIFICATION

- 8.1** All applications for Interments or Ash Interments are to be made to the Town Office during regular working hours. Any changes to the initial instructions must also be reported to the Town Office.
- 8.2** Advance notice is required for all Interment or Ash Interments as follows:
 - a)** between May 1 and October 31 in any year, all applications shall be made to the Town of Westlock office at least two (2) business days before the time for Interment;
 - b)** between November 1 and April 30, all applications shall be made at least three (3) business days before the time of Interment;
 - c)** Interments or Ash Interments shall be permitted only during the hours from 9:00 a.m. to 3:30 p.m. Monday to Friday excluding declared or Statutory Holidays;



- d) orders for Interment or Ash Interments for Saturday, Sunday or Statutory holidays, must be placed with the Town office at least three (3) working days before the burial is to take place, and shall be charged an established flat rate as stated in the Fees and Rates Bylaw; and
 - e) funerals must reach the Cemetery no later than 3:30 p.m. on the date of the burial. A charge for overtime will be made if it is necessary for personnel to remain after their usual Working Hours.
- 8.3** The only exception for burials on any other day or time will be burials ordered by the Government of Alberta or during a period of extra ordinary happenings.
- 8.4** If there is a reason to accelerate the Interment time, the Town may consider an application only if the following conditions are met:
- a) at least eight (8) working hours' notice is given; and
 - b) the applicant is willing to pay the rates as per the Fees and Rates Bylaw required for the Interment.

9.0 GRAVE LINERS

- 9.1** The type of grave liner shall be identified when ordering an Interment. Grave Liners are not supplied by the Town.

10.0 GRAVE DEPTH

- 10.1** No grave for the Interment of human remains shall be less than 4-feet between the top of the casket and the surface of the ground surrounding the grave.
- 10.2** No grave for the Interment of cremated remains shall be less than 24-inches between the top of the container and the surface of the ground surrounding the grave.

11.0 MONUMENTS & COLUMBARIUM NICHES

11.1 Permits

- a) Monument and/or Columbarium Niche Inscription permit is to be submitted and paid for prior to installation of the monument or columbarium niche plate.
- b) The cost of the permit is as per the Town of Westlock Fees and Rates Bylaw.
- c) Rose City Memorial is the sole provider for inscriptions on the Columbarium. Arrangements for inscriptions are to be made through them, and all costs are borne by the purchaser.



- d) To ensure consistent application of the following specifications, all Monument measurements are described as follows:
 - a. length shall mean the measurement of the monument as it would face the plot measured from left to right;
 - b. depth shall mean the measurement of the monument as it would face the plot measured from the head of the plot towards the foot of the plot; and
 - c. height shall mean the measurement of the monument from the concrete foundation to the highest portion of the top of the monument. This measurement shall include all bases placed to elevate the monument.
- e) No Monuments or Monument foundations shall be installed or removed from the Cemetery unless a permit application, as prescribed by the Town, has been submitted and approved by the Cemetery Supervisor. Applications must be received by the Town, a minimum of five (5) working days prior to installation date.
- f) When a Monument is to be removed for purposes of inscription, repair or cleaning; permission shall first be obtained from the Cemetery Supervisor. Application for such permission shall be made in writing by the owner of the plot, including a description of the proposed work.
- g) Monuments are placed in the Cemetery at the owner's risk and the Town assumes no responsibility for damage or loss due to vandalism, etc. It is the owner's responsibility to contact an insurance agent to discuss the possible coverage. The Town may remove a damaged Monument.
- h) The Town of Westlock will not be responsible for any errors resulting in Monuments being designed, or the description on the face being inaccurate.
- i) All persons or agents employed in the construction and installation of Monuments or doing other work in the Cemetery, shall be subject to the direction and control of the Cemetery Supervisor.

11.2 Installation

- a) Applications for Monument installations can be made during regular working hours in person at the Town Office or through a Monument dealer.
- b) In general, Monuments can be placed on the designated area of the Plot, or on undisturbed soil or properly prepared soil following the Interment. Some installations may be delayed a number of weeks by the requirement to landscape the area to the finished grade prior to commencing with installations.
- c) No concrete foundations shall be installed in the Cemetery after October 31.
- d) No Person shall erect or cause to be erected more than one Monument or structure on any one Plot.



- e) No Monuments shall be erected on a Saturday, Sunday, or Statutory Holiday unless written permission has been granted by the Cemetery Supervisor.
- f) No Monument, including the Monument foundation, shall exceed the maximum dimensions stated in Schedule "A".
- g) Due to the age of the Cemetery, in some cases, the Monument size will be determined by the actual Plot space available.
- h) Grave covers are not permitted to be installed except to match an existing grave cover on the adjacent Plot of a spouse or family member.
- i) Foot Stones - the installations of Monuments set at the foot of a Plot are not permitted.

11.3 Placement

No Person shall install a Monument or have an inscription completed on the Columbarium Niche plate unless it conforms to the type and style of Monument or Columbarium Niche inscription guidelines permitted as per Schedule "A".

The placement of Monuments shall comply with the following requirements:

- a) A concrete foundation shall:
 - (i) mean a rectangular piece of concrete of not less than 25 (MPa, Type 50 Cement, 4-6% air entrainment, thickness of not less than 100 ml (4-inches) thickness, with a gravel base 50 ml (2 inches) compacted depth.
 - (ii) All foundations for the erecting of Monuments shall be level, flush with the ground with no corners protruding, at least 100 ml (4-inches) in thickness and extend a minimum of 8 cm (3-inches) beyond the extreme lateral dimension of the Monument, to the maximum of allowable width, as per Schedule "A".
- b) All flat monuments shall be set on a concrete foundation that projects a minimum of five (5) inches of concrete on all sides of the monument. The foundation will be set to ground level.
- c) Monuments must be placed in line with other Monuments in that section of the Cemetery.
- d) Monuments must be constructed of granite, marble or bronze. Monuments of other materials must have Town approval.
- e) Inscriptions on Monuments must be of sufficient depth and quality so as to be legible and durable.
- f) No inscription shall be placed on any Monument which is not in keeping with the dignity and decorum of the Cemetery.

- g) Each Monument shall be in keeping with the appearance and the character of the Cemetery.
- h) The Town of Westlock may refuse the placement of any Monument, which may otherwise conform with these regulations, should it be determined that the proposed Monument is not appropriate for placement in the Cemetery.
- i) Commemorative "In Memory" monuments or inscriptions when no burial on location exists must state that interment has taken place elsewhere.
- j) The placement of cremains under the Continuous Foundation will not be permitted.
- k) All Persons installing Monuments shall ensure that such Monuments are firmly secured to the foundation, and that the foundation is adequate to carry the Monument.
- l) Monuments are to be placed centered, at head of Plot. Where continuous monument foundations are located, Monuments including base must be placed on runner, two (2) inches from edge of runner.
- m) If vases are placed as part of a Monument, the vase must be secured to the Monument; for vases placed on ground level markers, the vase must be secured no less than six (6) inches from the outside edge of the Monument; replacement due to loss or damage will be the sole responsibility and cost of the deceased's family.
- n) Granite balls, pagodas or any other type of approved accessory must be attached with a minimum ½" diameter pin size that extends a minimum 2" into both the accessory and the die and be attached with a permanent adhesive. In combination with the die, the granite balls, pagodas or any other type of approved accessory cannot exceed the maximum allowable monument height and width.
- o) After installation of a monument, no fixture of any type, such as pictures, ornaments, or similar items may be attached or affixed in any manner whatsoever to any part of a Monument, other than an approved vase, unless prior permission is granted by the Town.
- p) Lettered boards, or memorial designs of any description designating graves, will not be permitted. Only the standard temporary marker provided by the Funeral Home or the Town shall be permitted. The standard temporary marker provided by the Funeral Home or Town will be removed after a period of two years from the date of the burial.
- q) No fence, railing, coping, earth mound or any other type of memorial shall be placed on any burial Plot except for a Monument placed in accordance with the provisions of this Bylaw.



- r) All earth, debris, litter and rubbish arising or resulting from work done on any burial Plot shall be carefully cleaned up and removed from the Cemetery by the party carrying out such work.
- s) The Cemetery Supervisor may, from time to time, report to the owners or next of kin on the condition of any Monument in need of repair and it shall be the duty of the owner of such Monument, or the next of kin, to repair same without delay to the satisfaction of the Cemetery Supervisor.
- t) When an installation of a Monument and or foundation is in non-compliance with the Cemetery Bylaw, a notice identifying the non-compliance will be issued by the Cemetery Supervisor. If the problem is not rectified in a reasonable amount of time, the Cemetery Supervisor has the authority to remove the Monument in question.

12.0 PERPETUAL CARE

- 12.1 Perpetual Care and maintenance shall be as per the Province of Alberta's *Cemeteries Act*.

13.0 TOWN OF WESTLOCK FIELD OF HONOUR

- 13.1 The Town of Westlock may set aside and maintain an area in the Cemetery which shall be known as the Town of Westlock Field of Honour.

14.0 OFFENCES and PENALTY

- 14.1 No person shall contravene or fail to comply with any provision of this Bylaw is guilty of an offence and is liable to a fine or not less than \$250.00, and not more than \$10,000.00 or imprisonment for a term of not more than one year, or both.
- 14.2 Notwithstanding the foregoing, the minimum fine payable in respect of a contravention of this Bylaw is the immediately adjacent amounts shown in Column 1 and Column 2 of Schedule B.
- 14.3 Notwithstanding the foregoing, the fine amounts set out in Schedule B of this Bylaw are established as specified penalties for use on Municipal Tags and Violation Tickets.
- 14.4 A contravention of this Bylaw constitutes a separate offence in respect of each day or part of a day on which it continues. A person guilty of such offence is liable to a fine in an amount not less than that established by this bylaw for each such day. No proceedings may be instituted under this Bylaw more than twenty-four (24) months after the last occurrence of the alleged offence.
- 14.5 Notwithstanding the foregoing, the minimum fine and specified penalty payable in respect of a second or subsequent contravention of the same section of this Bylaw committed within twenty-four (24) months shall be double the minimum fine and specified penalty of the previous offence, up to a maximum penalty of \$10,000.00.

15.0 VICARIOUS LIABILITY

15.1 In this Bylaw, employees, employers, principals, and agents, are each severally liable and each guilty of the offence for any contravention of or any failure to comply with this Bylaw committed in the course of employment or in the course of the agent's exercising powers or performing duties on behalf of their principal. When a corporation contravenes or fails to comply with this Bylaw, every principal, director, officer, manager, employee or agent of the corporation who authorized, assented to, acquiesced, or participated in the act or omission that constitutes the offence is severally liable and guilty of the offence.

15.2 In this Bylaw, the operator and the owner(s) of any vehicle are each severely liable and each guilty of the offence of either of them contravenes or fails to comply with the Bylaw in relation to any such vehicle. In this section, "owner" has the same definition as is used in the *Traffic Safety Act*, RSA 2000, c T-6, and all amendments thereto.

16.0 INSPECTING AND REMEDYING CONTRAVENTIONS

16.1 On behalf of the Town of Westlock, any Peace Officer, employee, or agent of the Town may enter the Cemetery and take any actions or measures deemed necessary by this Bylaw.

16.2 All expenses, costs, and legal costs on a solicitor-client basis incurred by the Town of Westlock or its agents for any such action or measure performed pursuant to this Bylaw or the *Municipal Government Act*, RSA 2000, c M-26, and all amendments thereto, are amounts owing to the Town of Westlock by the person who was required to do something by the Order to Remedy, shall be paid within 30-days of any such person receiving notice of the amount due by registered mail served and effective in the same manner as the Order to Remedy, and are amounts which may be added to the property tax roll, the business tax roll, or both pursuant to the *Municipal Government Act*, RSA 2000, c M-26, and all amendments thereto.

16.3 No person shall obstruct or hinder any other person in the exercise or performance of that person's powers pursuant to this Bylaw.

17.0 MUNICIPAL TAGS

17.1 Any Peace Officer, in that Officer's sole discretion, is hereby authorized and empowered to issue a Municipal Tag to any Person whom the Peace Officer has reasonable and probable grounds to believe has contravened or failed to comply with any provision of this Bylaw.

17.2 A Municipal Tag may be issued to any Person either:

(a) personally.

(b) by placing a copy of the Municipal Tag upon a vehicle registered to such person; or



- (c) by mailing a copy to such Person by registered or ordinary mail to their last known mailing address.

17.3 A Municipal Tag shall be in a form approved by the Town and shall include:

- (a) the name of the Person.
- (b) the date upon which the offence was committed.
- (c) the section numbers(s) of this Bylaw which were contravened.
- (d) the appropriate specified penalty or minimum fine for the offence as prescribed by this Bylaw; and
- (e) the time within which the entire penalty must be paid to the Town.

17.4 If payment is received by the Town within the period permitted by any such Municipal Tag, no Information or Violation Ticket may be issued against the same offender for the same offence.

17.5 Except where a Municipal Tag has been paid as prescribed herein, nothing in this Bylaw shall limit a Peace Officer's discretion to issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act*, RSA 2000, and all amendments thereto, or instead lay an Information pursuant to the *Criminal Code*, RSC 1985, and all amendments thereto, at any time within 6 months of the last occurrence of the offence, regardless of whether or not a Violation Tag has been issued.

17.6 Any Peace Officer, in that Officer's sole discretion, is authorized to issue a Violation Ticket which permits the voluntary payment of the fine or specified penalty indicated thereon in the manner specified by the *Provincial Offences Procedure Act*, RSA 2000, and all amendments and regulations thereto.

17.7 Any fine or penalty imposed upon conviction for any offence occurring within the Town ensures to the benefit of the Town.

18.0 AMENDMENTS

18.1 The Council of the Town of Westlock may, by bylaw, alter, amend or repeal any or all of the Schedules, which form part of this bylaw.

19.0 SEVERABILITY

19.1 Should any provision of this bylaw be invalid, then such invalid provision shall be severed, and the remaining bylaw shall be maintained.

20.0 REPEAL

20.1 Bylaw 2015-10 is hereby repealed.



21.0 EFFECTIVE

21.1 This Bylaw shall come into force and take effect upon third and final reading.

READ A FIRST TIME THIS 28th DAY OF SEPTEMBER 2020.

READ A SECOND TIME THIS 28TH DAY OF SEPTEMBER 2020.

UNANIMOUS CONSENT FOR THIRD READING ON THIS 28TH DAY OF SEPTEMBER 2020.

READ A THIRD AND FINAL TIME AND PASSED THIS DAY 28TH OF SEPTEMBER 2020.

Signed by Mayor and CAO this 28TH day of SEPTEMBER 2020.



MAYOR, Ralph Leriger



CAO, Simone Wiley

Schedule "A"**Types of Monuments Allowed**

Section	Monument
Birch; Mountain Ash; Spruce; Willow; Meadow; Poplar; Lilac	Flat ground level, Pillow or Upright where no continuous foundation exists
Meadow Cremation	Flat ground level, or Upright on continuous foundation
Lilac	Flat ground level, Pillow, or Upright on continuous foundations
Maple	Flat, Pillow, or Upright on continuous foundation
South Trail	Flat, Pillow, or Upright on continuous foundation

Multiple Plots - Maximum length will be determined by the number of plots the monument is intended to service.

UPRIGHT - due to the age of the Cemetery, in some cases the Monument size will be determined by the actual Plot space available.

Plot	Length (Maximum) Including base	Width (Maximum)	Thickness (Minimum)	Height (Maximum) Total combined height of monument and base
Single	48-inches	18-inches	3-inches	48-inches
Double	84-inches	18-inches	3-inches	48-inches
Child	20-inches	18-inches	3-inches	48-inches
Cremation Plot Single	20-inches	18-inches	3-inches	48-inches
Cremation Plot Double	40-inches	18-inches	3-inches	48-inches

PILLOW - due to the age of the Cemetery, in some cases the Monument size will be determined by the actual Plot space available.

Plot	Length (Maximum) including base	Width (Maximum)	Thickness (Minimum)	Height (Maximum) Total combined height of monument and base
Single	48-inches	18-inches	3-inches	16-inches
Double	84-inches	18-inches	3-inches	16-inches
Child	20-inches	18-inches	3-inches	16-inches
Cremation Plot Single	20-inches	18-inches	3-inches	16-inches
Cremation Plot Double	40-inches	18-inches	3-inches	16-inches

FLAT - due to the age of the Cemetery, in some cases the Monument size will be determined by the actual Plot space available.

Plot	Length (Maximum) including	Width (Maximum)	Thickness
Single	48-inches	18-inches	3-inches
Double	84-inches	18-inches	3-inches
Child	20-inches	18-inches	3-inches
Cremation Plot Single	20-inches	18-inches	3-inches
Cremation Plot Double	40-inches	18-inches	3-inches

Schedule "B"

OFFENCE PENALTIES

Offence	Section	Municipal Tags Minimum Fine and Specified Penalty in Dollars (Column 1)	Violation Tickets Minimum Fine and Specified Penalty in Dollars (Column 2)
Contravene Cemetery Bylaw	5.0	\$250.00	\$1,000.00

