

BYLAW NO. 462-22

A BYLAW OF THE TOWN OF PONOKA IN THE PROVINCE OF ALBERTA TO PROVIDE FOR THE CONTROL AND REGULATION OF CEMETERIES.

WHEREAS THE Municipal Government Act, R.S.A 2000, c. M-26, as amended, and the regulations there under, permit a municipality to own and operate cemeteries within its boundaries.

NOW THEREFORE the Council of the Town of Ponoka, in the Province of Alberta, duly assembled, and pursuant to the authority conferred upon it by the Municipal Government Act, R.S.A. 2000, c. M-26, as amended, enacts as follows:

1. NAME OF BYLAW

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

2. PURPOSE OF BYLAW

The purpose of this Bylaw is to provide for control and regulation of the Cemetery operated and under the control of the Town of Ponoka

3. DEFINITIONS

3.1 In this Bylaw:

3.1.1 "Animal" includes any animal that has been domesticated and kept as a pet. All animals must be kept on a leash.

3.1.2 "Bicycle" means any cycle propelled by human power upon which a Person may ride, regardless of the number of wheels it may have.

3.1.3 "Block" means a specific area within the Cemetery as designated by the Town of Ponoka containing multiple lots.

3.1.4 "Burial" means the interment of human remains or cremated remains in a Burial Plot.

3.1.5 "Bylaw Enforcement Officer" means a person appointed by the Town pursuant to provisions of the Municipal Government Act, R.S.A. 2000, c. M-26.

3.1.6 "Chief Administrative Officer (CAO)" means the Chief Administrative Officer as appointed by Council.

3.1.7 "Cemetery" means the Forest Home Cemetery in the Town of Ponoka owned and operated by and under control of the Town and situated on Lot A, Plan 737EO, Plan 5492HW and Lots C & D of Plan 818 NY.

3.1.8 "Council" means the Council of the Town of Ponoka.

3.1.9 "Designate" means to appoint (someone) to a specified position.

3.1.10 "Destitute" means a Person without the basic necessities of life, or without means. Approval for a Destitute as determined the Province.

- 3.1.11 “Disinterment” means the removal of human remains or cremated human remains from a Grave lot.
- 3.1.12 “Field of Honour” means an area of the Cemetery reserved for Burial of service and ex-servicemen and women of Her Majesty’s Armed Forces and their spouses.
- 3.1.13 “Flat Marker” means a memorial constructed of bronze, marble or granite or other approved material placed on any Burial Plot as level to the ground as possible in the monument area.
- 3.1.14 “Grave” means a space in the ground in a Cemetery Plot for the Burial of human remains or cremated remains.
- 3.1.15 “Grave Cover” means a structure of marble, granite, plastic, fiberglass, or similar material for memorial purposes placed on the entire Burial Plot and set level with the contour of the ground.
- 3.1.16 “Grave Liner” means a concrete box placed in a Grave to house a casket.
- 3.1.17 “Horse” means any domesticated equine mammal.
- 3.1.18 “Indigent” means a Person without means, support or known relatives, requiring Burial at the Cemetery.
- 3.1.19 “Internment” means the burial of human or cremated remains in a grave, the entombment of human remains in a crypt, or the placing of cremated remains in a niche.
- 3.1.20 “Litter” means any solid or liquid material or product or combination of the two materials or products, including, but not limited to any rubbish, refuse, garbage, paper, package, container, bottle, can, manure, building material, organic or non-organic matter, liquid, chemical, dilapidated furniture or household appliances, loose garbage, scrap metals, scrap lumber, tires, parts of disassembled machinery, sewage or the whole or part of an animal carcass.
- 3.1.21 “Lot” means a specific area within the Cemetery containing Plots.
- 3.1.22 “Mausoleum” means a structure wholly or partly above the level of the ground and designed for the Burial or storage of human remains or cremated remains.
- 3.1.23 “Monument” means any structure in the Cemetery placed or constructed on any Plot, for memorial purposes.
- 3.1.24 “Motor Vehicle” means Motor Vehicle as defined in the Traffic Safety Act, RSA 2000, cT-6.
- 3.1.25 “Non-Resident” means any person who does not reside in the Town or the County of Ponoka.
- 3.1.26 “Owner” means the Person, corporation, or other legal entity that has purchased a Burial Plot or niche in the Cemetery.
- 3.1.27 “Person” includes an individual, partnership, corporation or other legal entity.
- 3.1.28 “Plot” means one Grave.

3.1.29 "Town" means the Town of Ponoka.

3.1.30 "Veteran" means a Person who was a member of the Armed Forces of Canada, the United Kingdom or any Armed Forces of a country allied with Canada or the United Kingdom who served in any war.

3.1.31 "Violation Tag" means a tag or a similar document issued by the Town pursuant to Section 110 of the Municipal Government Act, RSA 2000, cM-26.

3.1.32 "Violation Ticket" means a ticket issued pursuant to Part II of the Provincial Offences Procedures Act, RSA 2000, cP-34.

3.1.33 "Working Hours" means the regular hours of work between 7:30 a.m. and 4:30 p.m., Monday through Friday, excluding declared or Statutory Holidays.

4. DUTIES, RIGHTS AND POWERS

4.1 The CAO or Designate shall have the sole control of all matters within the Cemetery that are concerned with maintaining the grounds in neat and pleasing conditions, and to that end is hereby authorized to regulate and control the Cemetery grounds.

4.2 The CAO or Designate is hereby authorized to remove, or have removed, any weeds, grass, funeral designs or floral pieces which may become wilted, or any other article or thing which, in the opinion of the CAO or Designate, is unsightly.

4.3 If, in the opinion of the CAO or Designate, any trees, shrubs, or plants in or about the Cemetery 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, or dangerous or inconvenient to the public, the CAO or Designate is authorized to remove such trees, shrubs, plants, or any parts thereof. Efforts will be made to contact the Plot owner or a family member.

4.4 No Person shall erect upon a Plot or Lot any fence, railing, wall, border, hedge, coping or the like and where any of the same have been previously erected around a Plot or Lot and have, by reason of age or neglect, become unsightly or objectionable, the CAO or Designate may cause such to be removed.

4.5 The Town shall have the right to remove from the Cemetery any Person who disturbs the quiet or good order of such Cemetery whether by noisy or improper conduct or otherwise.

5. PLOTS

5.1 Plans for Burial purposes, including a record of all Interments and Disinterment's will be kept at the Town office. Copies of all such plans shall be available for inspection free of charge at the Town office during regular office hours.

5.2 Plots shall be available for the Burial of human remains or cremated remains at all times.

- 5.3 No Person shall make a reservation for one or more Plots without making payment in full at the time of reservation.
- 5.4 Upon payment of the full price of any Plot, the Town shall provide a receipt for the said sum, and provide a deed for such Plot to such Person or to that Person's representative, as such Person may appoint.
- 5.5 Plots shall not be resold, however, Plots may be transferred from one family member to another family member. No transfer shall be valid unless the Town is notified in writing.
- 5.6 No Person shall sell a plot for a reward or fee. Plots can only be resold to the Town.
- 5.7 Plots shall not be used for any purpose other than Burial grounds for human remains cremated remains.
- 5.8 All Burials are to be made within the confines of a single Plot. There shall not be more than one full body Burial in a single Plot. Ashes for a total of four cremated remains may be buried in a plot with a full casket, provided the casket is interred first. Alternatively, four cremations may occupy a full size plot.

6. INTERMENTS AND DISINTERMENTS

- 6.1 No Interment shall be permitted in the Cemetery unless there has been produced to the CAO or Designate, the following:
 - (a) a Burial permit issued by the proper office of the Government of the Province of Alberta; and
 - (b) a Town Burial Order (Schedule "C") must be completed and authorized by the Owner of the Plot in which such Interment is to be made, or the Personal representative of such Owner.
- 6.2 Between May 1st and October 31st in any year, all applications for Burials shall be made to the Town office at least two business days before the time for Interment. Between November 1st and April 30th, all applications for Burials shall be made at least three business days before the time of Interment. Unless otherwise permitted by the CAO or Designate.
- 6.3 Notwithstanding any other provisions of this bylaw, orders for Interment for Saturday, Sunday or Statutory Holidays must be placed with the Town office at least two business days before the Burial is to take place, unless the CAO or Designate, for emergent reasons, otherwise allows.
- 6.4 A charge for overtime will be made if it is necessary for Personnel to remain after their usual Working Hours.
- 6.5 No Interment shall be made without the written proof of ownership of the Plot, unless the CAO or Designate otherwise allows.
- 6.6 The use of Grave Liners is mandatory.

- 6.7 No Grave for the Burial of full body Burial shall be less than 72 inches in depth from the surface of the ground
- 6.8 No Grave for the Burial of cremated remains shall be less than 24 inches in depth from the surface of the ground.
- 6.9 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 CAO or Designate, and as indicated on the Cemetery plans located at the Town office.
- 6.10 All work being conducted in the Cemetery shall be discontinued during a Burial service.
- 6.11 Disinterment of a body shall not take place until a permit for Disinterment is issued by the Provincial Director of Vital Statistics and delivered to the CAO or Designate.
- 6.12 The Town shall not be responsible for any errors resulting from the lack of proper instruction.
- 6.13 All Interments and Disinterment's in the Cemetery shall be under the control of the CAO or Designate.
- 6.14 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 therewith, including Disinterment or removal of a body when applicable. The Person signing the Burial Order (Schedule "C") will be held responsible for all charges in connection with such interment. Such Person shall, in addition, be held responsible for compliance with the regulations governing erection of Monuments applicable to that part of the Cemetery in which the Interment is made.

7. MONUMENTS

- 7.1 All Persons employed in the construction and erection of Monuments or doing other work in the Cemetery, whether they are employed by the Town or not, shall be subject to the direction and control of the CAO or Designate. No work shall proceed until it is authorized by the CAO or Designate.
- 7.2 No Person shall place, or cause to be place, any Monument without submitting an application to place a Monument, including a description of the Monument, to the Town and receiving approval from the Town.
- 7.3 All concrete or granite foundations shall extend four inches on each side of the Monument not less than four inches in depth and be at the level of ground adjoining the Grave Plot. Proper forms must be used for construction.
- 7.4 First Monument must be placed on that portion of the Plot undisturbed by excavation and must be in line with other Monuments in that section of the Cemetery.
- 7.5 Monuments must be constructed of bronze or stone, such type of stone having a high resistance to weathering and erosion. Monument foundations may be constructed in concrete or granite. Boulder Monuments and Mausoleums may be permitted in designated Blocks.
- 7.6 Inscriptions on Monuments must be to industry standard and quality so as to be legible and durable.

- 7.7 No inscription shall be placed on any Monument which is not in keeping with the dignity and decorum of the Cemetery.
- 7.8 Upright and boulder Monuments must not exceed the following dimensions (over 40 inches must be pinned):
- 48 inches in height above the base
 - 18 inches in depth
 - 48 inches in width
- 7.9 Pillow Monuments must not exceed the following dimensions:
- 16 inches in height
 - 18 inches in depth
 - 48 inches in width
- 7.10 Flat Markers placed side by side must not exceed 44 inches wide and 30 inches long and must be mounted securely, flush with the surface of the ground.
- 7.11 Notwithstanding the provisions of this section, each Monument shall be in keeping with the appearance of other Monuments in the Cemetery and with the character of the Cemetery.
- 7.12 The Town 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.
- 7.13 The Town is not responsible for any Monument design errors, including but not limited to inaccurate descriptions or artistry of any kind of Monument.
- 7.14 The Town is not responsible for normal wear and tear on Monuments, including but not limited to small chips and scratches from maintenance equipment.
- 7.15 All foundations for erecting of Monuments shall be level, flush with the ground, made of concrete, stone or granite at least four inches in depth, and extend not less than four inches beyond the extreme lateral dimension of the Monument.
- 7.16 All Persons erecting Monuments shall ensure that such Monuments are firmly secured to the foundation, and that the foundation is adequate to carry the Monument.
- 7.17 All Persons erecting Monuments shall ensure that the surrounding areas are restored to, and left in the same condition as found prior to installation.
- 7.18 Every Owner of a Monument or other erection upon any Plot shall maintain it in proper repair.
- 7.19 When, in the opinion of the CAO or Designate, any Monument is in a state of disrepair, the Owner or the Owner's representative will be notified in writing thereof and require that repairs be promptly made.

Any Monument or structure not repaired within 90 days after a letter has been sent to the Owner or his or her Personal representative, to the last known address provided to the Town, may be removed and retained in the custody of the CAO or Designate for a period of 90 days to allow the Person responsible for its maintenance to claim the Monument and return it to an acceptable condition.

- 7.20 The CAO or Designate 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.
- 7.21 No Monument shall be installed or replaced without a Monument Permit Application (Schedule “D”), nor shall any Monuments be removed, from any Plot without the permission of the CAO or Designate. If the CAO or Designate grants approval, the Town shall issue a Monument permit.
- 7.22 No Person shall place or cause to be placed more than one Monument or structure on any one Plot.
- 7.23 Grave Covers are prohibited except where one presently exists.
- 7.24 No Person shall install a Monument in any Block within the Cemetery unless it conforms to the type and style of Monument permitted to be installed in that Block as follows (Cemetery map included in Schedule E.):

Block	Monument Restrictions
1W, 1E, 2W, 2E, 3W, 3E, 4W, 4C, 4E, 5NW, 5NE, 5SE, 6W, 6E, 7W, 7E, 9, 9A, 9B, 9C, 10, 10A, 10B, 10C, 11, 11A, 11B, 11C, 12, 12A, 12B, 12C, 14, 16A, 17, 17A	Monument Restrictions as defined in the Bylaw (section 7).
5SW (Field of Honour)	Veteran upright Monuments only. Secondary flat markers permitted for spouses.
8 & 8A	Flat and pillow Monuments, except Lots 1-27, flat Monuments only.
9D, 10D, 11D, 12D, 12E	Flat Monuments only.
16 (Field of Honour)	Upright Veteran Monuments only (flat Grave markers may be installed at the foot of a Grave in addition to the Veteran’s Monument).

8. FIELD OF HONOUR

- 8.1 The Town shall set aside an area which shall be known as the “Field of Honour” which shall be reserved for the burial of Veterans.
- 8.2 Proof that a deceased person is eligible for Interment in the Field of Honour may be required by the Town. A certificate from Veterans Affairs Canada or National Defence and the Canadian Forces shall be evidence of eligibility.
- 8.3 A Veteran’s spouse may be interred in the Field of Honour, provided they are in the same or adjacent Plot.

9. GENERAL PROVISIONS

- 9.1 No Person shall disturb the quiet and good order of a Cemetery by noise or other improper conduct.

- 9.2 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.
- 9.3 No Person other than the CAO or Designate shall remove, destroy, prune or otherwise interfere with any trees, shrubs, plants or flowers in the Cemetery. All trees, shrubs, plants or flowers shall be planted only under the direction of the Town.
- 9.4 Any trees, shrubs, creeping or climbing plants, and any perennial, annual or biannual flowering plants donated in memory of a deceased Person will be planted by the CAO or Designate at a place in the Cemetery designated by the CAO or Designate.
- 9.5 No Person shall place any trees, shrubs, flowers and creeping or climbing plants on a Lot of at the head of a Grace
- 9.6 No Person shall destroy, damage, deface or write upon any Monument, or other structure or object in the Cemetery.
- 9.7 No Person shall deposit any Litter of any kind on any portion of the lands within the boundaries of the Cemetery except in receptacles provided for that purpose.
- 9.8 No Animals shall be allowed in the Cemetery unless such Animal is on a leash and under the control of an adult Person.
- 9.9 No Person shall enter or use any portion of the Cemetery for purposes of recreation or entertainment, including but not limited to camping, picnicking and social gathering.
- 9.10 No Person shall solicit business or distribute business cards on any Monument or any advertising within the Cemetery boundaries.
- 9.11 No fires are permitted within any portion of the Cemetery.
- 9.12 All Persons walking in the Cemetery shall keep to the paths and walks and shall not walk upon or across any Plot except for maintenance operations.
- 9.13 No Person shall drive any Motor Vehicle or Bicycle through the Cemetery at a speed exceeding 15 km/h and then may only drive upon the roadway provided for that purpose unless for operational purpose.
- 9.14 The CAO or Designate may prohibit the driving of Motor Vehicles in any part of the Cemetery.
- 9.15 The CAO or Designate may prohibit the driving of any Motor Vehicles in the Cemetery when the roads are in an unfit condition.
- 9.16 No Person shall ride an off road vehicle or Horse in the Cemetery unless they are a part of a funeral procession.
- 9.17 The Owner of any Motor Vehicle shall be responsible for any damage done by such Motor Vehicle within the boundaries of the Cemetery.

10. PENALTY AND ENFORCEMENT

- 10.1 Any person who contravenes a provision of this bylaw is guilty of an offence and is liable to a penalty as set out in Schedule "A" herein.

- 10.2 Nothing in this Bylaw shall be construed as curtailing or abridging the right of the Town to obtain compensation or to maintain an action for loss of or damage to property from or against the person or persons responsible.

11. VIOLATION TAG

- 11.1 A Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Tag to any person who the Bylaw Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of the Bylaw.

- 11.2 A Violation Tag may be issued to such person:

- (a) either personally; or
- (b) by mailing a copy to such person at their last known address.

- 11.3 The Violation Tag shall be in a form approved by the CAO or Designate and shall state:

- (a) the name of the person;
- (b) the offence;
- (c) the specified penalty established in "Schedule A" of the Bylaw;
- (d) that the penalty shall be paid within thirty (30) days of the issuance of the Violation Tag; and
- (e) any other information as may be required by the CAO or Designate.

- 11.4 Where a contravention of the Bylaw is of a continuing nature, further Violation Tags may be issued by a Bylaw Enforcement Officer, provided that no more than one Violation Tag shall be issued for each day that the contravention continues.

- 11.5 Where a Violation Tag is issued pursuant to this Bylaw, the Person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the Town the penalty specified within the time period indicated on the Violation Tag.

12. VIOLATION TICKET

- 12.1 If the penalty specified in a Violation Tag is not paid within the prescribed time period, then a Town Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part II of the Provincial Offences Procedure Act.

- 12.2 Notwithstanding Section 12.1, a Bylaw Enforcement Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to the Provincial Offences Procedure Act to any person who the Bylaw Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.

13. SEVERABILITY

- 13.1 Should any provision of this Bylaw be invalid, then such invalid provision shall be severed and the remaining Bylaw shall be maintained.

14. EFFECTIVE DATE

Town of Ponoka Bylaw No. 040-98 is hereby repealed.

This Bylaw shall come into effect upon Third and Final Reading of the Bylaw.

First Read: January 11, 2022

Second Reading: January 25, 2022

Third Reading: January 25, 2022



Mayor



Chief Administrative Officer

SCHEDULE "A"
Penalties

Subsection	Offence	Penalties	Second or Subsequent Offence Within One Year
9.1	Causing a disturbance	\$100.00	\$200.00
9.3	Willfully causing damage to a tree, shrub, plant or flower	\$150.00	\$300.00
9.5	Planting of trees, shrubs, and flowers and creeping or climbing plants on a Plot or at the head or foot of a Grave.	\$150.00	\$300.00
9.6	Destruction, damage and/or defacement upon any Monument, or other structure or any other part of the Cemetery.	\$1000.00	\$2000.00
9.7	Littering	\$150.00	\$300.00
9.8	Allowing an unleashed Animal in the Cemetery	\$75.00	\$150.00
9.9	Participating in or hosting a recreation and/or entertainment event in the Cemetery	\$100.00	\$200.00
9.10	Soliciting or business advertising	\$150.00	\$300.00
9.11	Permitting a fire	\$100.00	\$200.00
9.16	Riding a snowmobile and/or Horse in the Cemetery	\$100.00	\$200.00
9.17	Damage done by Motor Vehicle	\$150.00	\$300.00
9.18	Speeding over 30 km	\$150.00	\$300.00

SCHEDULE "B"
Fees and Charges

Section	Plot (Full Size)	Amount
1.1	Adult Resident	\$700.00
1.2	Non Resident	\$1125.00
1.3	Child- Under 18	\$400.00
1.4	Infant- Under 3 months	\$0.00
1.5	Cremation Plot	\$400.00
1.6	Cremation Plot- Non Resident	\$600.00
1.7	Veteran	\$250.00
1.8	Veteran Spouse	\$350.00
Section	Opening & Closing (Full Size) (Per Remain)	Amount
2.1	Adult (Summer) (May 1 to Oct 31)	\$500.00
2.2	Child- Under 18 (Summer) (May 1 to Oct 31)	\$250.00
2.3	Adult (Winter) (Nov 1 to April 30)	\$750.00
2.4	Child- Under 18 (Winter) (Nov 1 to April 30)	\$400.00
Section	Opening & Closing (Cremation)	Amount
3.1	Summer (May 1 to Oct 31)	\$200.00
3.2	Winter (Nov 1 to April 30)	\$300.00
Section	Other Fees (In addition to above fees)	Amount
4.1	Closing Fee (Weekend & Holidays)	\$450.00
4.2	After Hours Closing (Per Hour Fee)	\$80.00
4.3	Monument Permit	\$50.00
4.4	Disinterment's (Full Casket)	\$1000.00

Disinterment's (Cremation) regular opening & closing rates apply

*GST will be added to all of the above fees.

*Perpetual care is included in cost.

SCHEDULE "C"
Burial Order

Date of Death: _____ Age: _____

Date of Birth: _____

Date of Burial: _____

Funeral Time: _____ Burial Time: _____

Name of Deceased: _____

Location: Plot _____ Lot _____ Block _____

Funeral Director: _____ Phone: _____

Service Location: _____

Service Type: ☐ Casket ☐ Cremation

Notes: _____

Bill to: _____

Signature: _____

Email to: cemetery@ponoka.ca

Office Use Only

Sent to Public Works ☐ _____ (need 48 hours in summer, 72 hours in winter)

Confirmation sent to Funeral Home ☒ _____

Map ☐ _____ Computer ☐ _____ Billed ☐ _____

Deed (prepared for prepurchases) ☐ _____ Document Number: _____

Notes: _____

SCHEDULE "D"

Monument Permit Application

Name and Address of Applicant:

Date: _____

Application is hereby made to the Town of Ponoka for permission to place a monument on the grave of _____

Located at Plot _____ Lot _____ Block _____ of the Forest Home Cemetery.

Please check type of monument: (Maximum dimensions)

☐ Upright / Boulder (circle) (40"h, 18"d, 48"w) ☐ Pillow (12"h, 18"d, 48"w) ☐ Flat (24"d x 48"w)

Size: Height _____ Depth _____ Width _____

Please forward completed application and \$50.00 permit fee to

Town of Ponoka
200-5604 50 St Ponoka, AB T4J 1G5

Signature _____

Email to: cemetery@ponoka.ca

Office Use Only

PERMIT NO. _____

Permission is granted to _____ To erect

a(n) _____ monument on

(upright, boulder, pillow, flat)

Plot _____ Lot _____ Block _____

In the Ponoka Forest Home Cemetery in accordance with the Town of Ponoka Bylaw No. 462-21.

Date

Town of Ponoka

Billed ☐

Sent to PW ☐

SCHEDULE "E"
Cemetery Map



Legend

Field of Honour – Block 16 & 16A

Cremation Section – Block 9D

- 1 Columbariums – East & West
- 2 Main Gate Entrance
- 3 Records Building
- 4 Future Development



Forest Home Cemetery

5110 67 Street
403.783.0125
cemetery@ponoka.ca