

Consolidation of Bylaw No. 483-2000

CEMETERY BYLAW

Adopted July 24, 2000

As Amended By:

Bylaw No. 712-2008 adopted December 8, 2008
Fee's and Charges Bylaw

This Consolidation is not an Official Bylaw. It is prepared by the City Clerk's Office for assistance only. Copies of the Official Bylaw(s) may be purchased from the City Clerk's Office.

This Consolidated Bylaw was authorized pursuant to Bylaw No. 389-97.

Bylaw No. 483-2000 CEMETERY BYLAW

PAGE 1

Code 12/12

A BYLAW OF THE CITY OF LEDUC IN THE PROVINCE OF ALBERTA, TO ESTABLISH REGULATIONS AND FEES FOR THE CITY OF LEDUC MUNICIPAL CEMETERY.

The Municipal Government Act, R.S.A. 1994, Chapter M-26.1, as amended grants a Municipality the authority to regulate the operation of a Cemetery,

AND: *The Cemeteries Act, R.S.A., 1980, Chapter C-2, as amended grants a Cemetery owner the authority to establish Cemetery Bylaws,*

AND: in accordance with the Acts, Council desires to establish a Bylaw governing the Municipal cemeteries.

THEREFORE: the Council of the City of Leduc in the Province of Alberta duly assembled, hereby enacts as follows:

PART I: BYLAW TITLE

This Bylaw shall be known as the "Cemetery" Bylaw.

PART II: DEFINITIONS

1. "Cemetery" means land that is set apart or used as a place for the burial of dead human bodies or other human remains or in which dead human bodies or other human remains are buried, that are Cemeteries in the City of Leduc operated by and under the control of the City of Leduc.
2. "Cemetery Care" means the upkeep of the lots (graves) as determined by the City, which includes seeding and re-seeding of lot (grave) surfaces, watering, seasonal cutting of grass and weeds, seasonal rototilling of flower beds and keeping lots in neat condition and such other maintenance work as may be authorized by the Supervisor.
3. "Cemetery Working Hours" means all hours from 9:00 a.m. to 4:00 p.m. Monday through Friday, excluding all Civic and Statutory holidays.
4. "City" means the Municipal Corporation of the City of Leduc
5. "City Manager" means the Chief Administrative Officer of the City, as appointed pursuant to the *Municipal Government Act*.
6. "Columbarium" means a structure designed for storing the cremated remains of dead human bodies or other human remains that have been cremated.
7. "Council" means the Council of the City.

Bylaw No. 483-2000
CEMETERY BYLAW

PAGE 2

Code 12/12

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8. "Disinterment" means the digging up and removal of a body from an existing lot (grave).
 9. "Flower(s)" mean artificial and /or real annual blooms.
 10. "Grave Liner" means a concrete or fiberglass liner placed in a lot (grave) to enclose the casket.
 11. "Lot" means a single grave.
 - a) "Cremation Lot" means a lot in a specific area within the Cemeteries for the burial of cremated remains only, measuring 0.7 m x 0.9 m (2.5' x 3').
 - b) "Small Lot" means a single lot measuring 0.9 m x 1.2 m (3' x 4').
 - c) "Medium Lot" means a single lot measuring 1.2 m x 2.4 m (4' x 8').
 - d) "Large Lot" means a single lot measuring 1.5 m x 2.7 m (5' x 9').
 - e) "Military Field of Honor Lot" shall refer to a single lot for a person who at anytime during his/her life served as 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, as confirmed by the Last Post Fund.
 - f) "Reserve Lot" means the holding or keeping of an extra lot(s) for future interment(s).
 12. "Monument" means any structure made of commercial grade granite, marble, field stone or bronze that is level with or above the ground and erected or constructed on any lot, for memorial purposes.
 - a) "Foundation" means a concrete slab of specific proportion for the placement of a monument.
 - b) "Base" refers to the bottom portion of a monument and made of "granite", "marble" or "bronze".
 - c) "Flat Monument" means a monument of approved granite, marble or bronze. The surface of the monument shall be level with the surrounding ground contour of that particular lot. Flat monuments must be set in/on a foundation.
 13. "Opening/Closing" means the opening of the lot, the placement of the grave liner, the backfilling of the lot, site clean up and placement of funeral decorations, and re-establishment of grass as soon as practical afterwards.
 - a) "Deep" means the opening and closing of a lot to place a casket at a depth of 3 m (9'5") which allows one more casket to be placed above.
 - b) "Standard" means the opening and closing of a lot to place a casket at a depth of up to 1.8 m (6').

Bylaw No. 483-2000
CEMETERY BYLAW

PAGE 3

Code 12/12

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14. "Owner" means a person, heir, executor or authorized funeral director with burial privileges for one or more lots.
 15. "Person" means an individual or a firm or corporation.
 16. "Supervisor" means the person or his designate responsible for day-to-day operations of the Cemeteries.

PART III: APPLICATION

1.0 LAND DESCRIPTION

- 1.1 The following land is hereby established and set apart for the sole purpose of a Public Cemetery to be known as:
 - a) East Cemetery
The land set apart or used as a place for the burial of dead human bodies or other human remains located on the N.W. $\frac{1}{4}$ of Section 36, Township 49, Range 25, West of the 4th Meridian, as outlined in Schedule "B".
 - b) West Cemetery
The land set apart or used as a place for the burial of dead human bodies or other human remains known as Lot A, Plan 497RS which is part of the N.E. $\frac{1}{4}$ of Section 35, Township 49, Range 25, West of the 4th Meridian, as outlined in Schedule "B".

2.0 INTERMENTS & DISINTERMENT

- 2.1 Interment of Indigent and Unclaimed Bodies
Shall be provided according to the *Cemeteries Act, R.S.A., 1980, Chapter C-2.*
- 2.2 Cremated Remains
 - a) The Supervisor shall be responsible for the opening/closing for the inurnment of cremated remains.
 - b) Inurnments on a large lot are permitted only after the standard and/or deep interments have occurred or when the lot will only contain cremated remains. (as in 2.3 iv).
 - c) Two (2) urns (cremains) are permitted per lot in the designated cremation areas.
 - d) With the exception of the Field of Honor, three (3) urns are permitted in a large lot in which a standard burial has already occurred.

Bylaw No. 483-2000

CEMETERY BYLAW

- e) With the exception of the Field of Honor, two (2) urns are permitted in a "deep" lot provided that the deep and standard burials have already occurred.
- f) With the exception of the Field of Honor, any urns that are placed in a standard or deep lot in the West Cemetery must be recorded on the existing monument located on the concrete runner. No flat monuments are allowed.
- g) Two (2) urns are permitted in a columbarium niche.
- h) Where a scatter garden exists, cremated remains will be allowed to be scattered by someone other than the Supervisor.

2.3 Standard/Deep Burials

- a) The Supervisor shall be responsible for the opening/closing of all graves.
- b) A lot may be used for:
 - i) the single (standard) burial of a person.
 - ii) the single (standard) burial of a person, but with the provision that a maximum of three (3) urns may also be placed provided the standard burial is already interred.
 - iii) a deep burial with the provision that a maximum of two (2) urns may also be placed above the standard burial provided the deep and standard burials have already been placed.
 - iv) the burial of a maximum of four (4) cremation urns (with exception of the designated cremation areas where only two (2) urns are permitted per lot).

2.4 Field of Honor

- a) The City shall set aside and maintain in the Cemetery an area which shall be known as the "Field of Honor" which shall be reserved for the burial of members and ex-members of the Canadian and British Naval, Military and Air Forces upon request of a relative or the Department of Veteran Affairs or Department of National Defense.
- b) Spouses will be allowed to be buried in the Field of Honor provided they are buried in the same lot as the veteran. Spouses will not be allowed to purchase and be buried in a separate lot.
- c) Opening and closing fees for the veteran's spouse is the responsibility of the family.
- d) Salutes involving the discharge of firearms will be permitted only for military funerals provided that the R.C.M.P have given prior written approval.

Bylaw No. 483-2000
CEMETERY BYLAW

2.5 Disinterments

- a) In all cases, a permit from the Provincial Department of Health must be presented to the Supervisor before disinterment is allowed in accordance with the *Cemeteries Act*.
- b) Disinterments will only be allowed when written approval has been granted by the Supervisor.
- c) The City's responsibility for lot openings will end at the point where the soil is sufficiently excavated to permit access to the body for removal by the attending funeral home for any disinterment. All payment for costs incurred by the City will be the responsibility of the person requesting the disinterment.
- d) The remains of persons who died from specified communicable diseases as defined under the regulations of the *Public Health Act*, will not be allowed for disinterment until the Provincial Medical Officer of Health, or other public Officer of Health having authority at the time, approves the disinterment in accordance with the *Public Health Act*. All payment for costs incurred by the City will be the responsibility of the person requesting the disinterment.
- e) Should a lot become vacant as a result of the removal of a body in the West Cemetery, the land may revert back to the City as the Owner's option subject to the guidelines of Section 2.6 q) of this Bylaw.

2.6 General Rules and Conditions - Interments

- a) All cemetery care in the immediate vicinity of a lot shall be discontinued during a burial service.
- b) Sale of lots must be made on a progressive schedule unless approved otherwise by the Supervisor.
- c) Application for interment of a body shall be made at least 48 hours prior to the time of interment (Saturdays, Sundays and Civic or Statutory Holidays exempt) between May 1 to October 31 and 72 hours between November 1 to April 30.
- d) The City will pre-sell lots with the provision that a person may not purchase more than four (4) lots in the standard burial sections or more than four (4) lots in the cremation sections. Requests to pre-purchase more lots than stated above must be approved in writing by the Supervisor.
- e) Every person obtaining a lot in the Cemetery shall be held responsible for the cost thereof and for all charges in connection therewith, including disinterment of a body when applicable. Any person signing an order for interment will be held responsible for all charges in

Bylaw No. 483-2000
CEMETERY BYLAW

- connection with such interment. Such person shall, in addition, be held responsible for compliance with the regulations governing installation of monuments.
- f) Burials in the Cemetery shall be permitted only during the hours from 9:00 a.m. to 4:00 p.m. Monday to Friday excluding declared Civic or Statutory Holidays. Special arrangements may be made for Saturday, Sunday or Holiday burials, subject to payment of extra fees as per the Fees & Charges Bylaw. Exception to this would only apply when orders are received by the Provincial Health Department or during a period of extra ordinary happenings.
 - g) For any Funeral Procession arriving at the Cemetery after the Cemetery working hours, the Owner will be responsible for payment of the additional late fee as per the Fees & Charges Bylaw.
 - h) All burials are to be made within the confined boundary of a lot.
 - i) Interment of any body other than a human being is prohibited.
 - j) Grave liners are to be used in all deep and standard burials (excluding small lots). Such liners shall be at the Cemetery at a reasonable time prior to interment.
 - k) Grave liners or similar structures may not be erected, constructed or placed above ground in the Cemetery. All grave liners must be totally buried with the highest point at least two feet (0.6 meters) below the soil surface.
 - l) No second interment will be permitted in any lot on which there are unpaid charges due and payable to the City.
 - m) No interments will be allowed without the following:
 - i) Burial Permit issued by Government of Alberta, and
 - ii) application for permission to inter a body from the City, and
 - iii) the full payment fee for lot, or
 - iv) a payment schedule approved by the City.
 - n) When any Owner or his agent orders an interment by telephone, the City will not accept any responsibility for any errors or misunderstanding that may arise therefrom.
 - o) It is a condition of purchase (deed), that the owner expressly waives any claim arising by reason of any error or mis-description of any burial lot. The City undertakes that it will attempt insofar as is reasonably possible to avoid such errors but its liability shall only extend to refund, in case of error, any money paid to the City for a lot or it undertakes to make an equivalent quality of lot available in lieu of those originally allocated.
 - p) Lots may not be sold except back to the City. They may be transferred to relatives by written request and payment of transfer fee to the City.

Bylaw No. 483-2000
CEMETERY BYLAW

- q) The City will buy back a lot from the Owner for the full original price or 85% of current selling price, whichever is greater, under the following conditions:
 - i) proof of purchase is provided by the Owner or confirmed by the City.
 - ii) Lot is re-sellable (as determined by the City).
- r) The use of a lot is authorized when the signature of the "Purchaser" or "Agent" appears on the Application to Inter and the application is approved by the City, in writing.
- s) The rights granted by the sale shall not be transferred to any other person without the consent of the City.
- t) A plan of the Cemetery showing all lot locations shall be open for inspection, during regular working hours at the City office.
- u) The City shall be responsible for the general supervision of the West and East Cemeteries.
- v) The Funeral Home shall be responsible for lowering the grave liner, casket, and placing and removal of greens. The Funeral Home or its Representative, shall be present until the grave liner is sealed.
- w) The City reserves the right to alter its general regulations from time to time and the Supervisor may cause to temporarily suspend any rule.
- x) If the lot(s) Owner is deceased, and a conflict arises in regards to the lot(s) and management thereof in the absence of a Court Order, the people in the following order of priority will make the decision:
 - i) the personal representative designated in the will of the deceased;
 - ii) the spouse of the deceased if the spouse was living with the deceased at the time of death, or a person who had been living with the deceased at the time of death as spouse for a continuous period of at least 2 years;
 - iii) an adult child of the deceased;
 - iv) a parent of the deceased;
 - v) a guardian of the deceased under the *Dependant Adults Act* or, if the deceased is a minor, under the *Child Welfare Act* or the *Domestic Relations Act*;
 - vi) an adult grandchild of the deceased;
 - vii) an adult nephew or niece of the deceased;
 - viii) an adult next of kin of the deceased determined on the basis provided by sections 8 and 9 of the *Intestate Succession Act*;
 - ix) the Public Trustee;
 - x) an adult person having some relationship with the deceased not based on blood ties or affinity;
 - xi) the Minister of Family and Social Services.

Bylaw No. 483-2000
CEMETERY BYLAW

3.0 MAINTENANCE/FLOWERS

3.1 Flowers

- a) Flowers will be allowed on lots in vases attached to the monument, until they become unsightly and/or until they become a significant maintenance problem, as deemed by the Supervisor.
- b) Any type of flower will be permitted on the lot the day of the burial for the period of 7 days.
- c) Flower beds planted by the public at the lot site will be at their own risk. No perennial plants will be permitted. The dimension of the flower bed will be restricted to a maximum width of the concrete runner (foundation) and to a maximum depth of 0.6 m (24 inches). If the flower bed is neglected, the City reserves the right to remove the flowers at the discretion of the Supervisor.
- d) In the East Cemetery, any historic deviation for item (c) will be allowed to continue.
- e) In the West Cemetery, flower beds are permitted only in specific sections as determined by the Supervisor.
- f) Vases attached to the monument are permitted throughout the Cemeteries.
- g) Retractable Vases are permitted in all flat monument section areas.
- h) The City reserves the right to plant all perennial flowers, shrubs and trees to landscape or to carry out any improvements to the grounds.
- i) The City accepts no responsibility for missing vases, flowers or wreaths.

3.2 Lots/Graves

- a) All lots in the Cemetery will be sold, with the City to provide reasonable cemetery care.
- b) All care and improvement of lots, excluding the flower beds, shall be the responsibility of the Supervisor.
- c) No person shall remove the sod from lots or from any portion of any lot in the Cemetery without first obtaining the prior written approval from the Supervisor.
- d) No person shall erect upon a lot any fence, railing, wall, stone coping, hedge or the like. Where any of the same have previously been erected around a lot, and have by reason of age or neglect become unsightly or objectionable, the Supervisor may cause such to be removed.

Bylaw No. 483-2000
CEMETERY BYLAW

- e) No person shall place on any lot wooden or wired trellis, wooden or wired cross or articles or containers of pottery, glass cellophane or other materials not approved by the Supervisor.
- f) No person shall remove any plants, flowers, slips or cuttings from anywhere on a Cemetery without first obtaining approval of the Supervisor, except from vases or when weeding of flower beds within the lots is required.

4.0 MONUMENTS

4.1 Installation

- a) The purchase and installation of monuments is the responsibility of the Owner.
- b) No monument shall be installed, altered or removed until all pertinent information has been filed with the City and a Monument Installation Permit is issued by the City.
- c) All foundations, bases and monuments shall be confined within the boundaries of the respective lots, and all monuments shall be placed in a manner as to maintain a consistent alignment with other monuments on adjacent lots whenever possible.
- d) Monument size restrictions are as follows:
 - * Size restrictions include a 75 mm (3") base
 - * Size restrictions for flat markers include the foundation
 - i) Flat Markers
 - Maximum Length 0.90 m (36") per lot
 - Maximum Width 0.70 m (28") per lot
 - ii) Granite Markers minimum thickness is 50 mm (2") and a maximum thickness of 100 mm (4")
 - iii) Upright monuments shall not exceed 0.9 m (36") in height
 - iv) Concrete Runner Section
 - Maximum Length 1.2 m (48") per lot
 - Maximum Width 0.4 m (16") per lot for runners 0.9 (35") in width
 - Maximum Width 0.46 m (18") per lot for runners 1.0 m (40") in width
 - v) Cremation/Small Lots
 - Maximum Length 0.66 m (26") per lot
 - Maximum Width 0.46 m (18") per lot
- e) In Sections A and part of B of the West Cemetery, only flat monuments will be allowed.
- f) Only flat monuments will be allowed on cremation lots. Special provisions may be considered by the Supervisor for the cremation area in the East Cemetery.

Bylaw No. 483-2000
CEMETERY BYLAW

- g) Any monument installed that does not comply with this Bylaw and the Monument Installation Permit, may be removed by the Supervisor at the expense of the Monument Company or Owner.
- h) When conducting a monument installation, the Monument Company, Owner or other person in charge of the work shall conform to the following:
 - i) convey, transport, place and keep all material and equipment in designated areas as directed by the Supervisor,
 - ii) carry out such work under the general supervision of the Supervisor and in such manner as not to interfere in any way with abutting or adjoining lots,
 - iii) remove all masonry litter, rubbish or refuse and leave the lot in a clean, tidy and proper condition. In the event of neglect or refusal to do so, the City may cause the work to be done and charge all costs to the Monument Company, Owner or other person responsible.
 - iv) all work of any kind near a funeral being held shall be discontinued from the time the Funeral Coach enters the Cemetery gates to the time the Funeral Coach and mourners are out of the Cemetery.
- i) The surname inscribed on a monument must match the surname corresponding to the burial as recorded in the City office. Where there is a request for an inscription with a different surname than recorded in the records, the recorded name must either be legally changed or it must appear on the inscription. In this circumstance the legal name may appear in smaller lettering or be placed in parenthesis on the inscription.
- j) All monuments installed are subject to inspection and approval by the City.
- k) Any Monument Company employees, contracted employees thereof and/or authorized individuals carrying out any monument work in the Cemetery, will advise the Supervisor upon restoration or repair of any damages to the Cemetery grounds or fixtures resulting from their actions.
- l) Any and all cost for damage done to roads through the hauling or conveying of material used in the installation of any monument will be charged to the Monument Company, Owner or person in charge of the work.
- m) No person shall erect more than one monument on any one lot, except where flat markers are permitted in the Field of Honor for Veterans' spouses.
- n) Whenever the Owner of a monument neglects to make any required repairs or alterations to a monument within 30 days after receiving

Bylaw No. 483-2000
CEMETERY BYLAW

- written notice from the Supervisor to do so, the City shall have the power to repair such monument and charge the cost thereof to the Owner which may be recovered as a debt from the Owner to the City.
- o) The City may remove and dispose of any monument or memorial structure placed in the Cemetery if such would fall into disrepair and/or become unsightly. The City will forward written notification prior to undertaking this action to the last known address of the Owner of the lot.
 - p) The City has the right to temporarily remove and replace any monument when deemed necessary for Cemetery operation purposes.
 - q) Minor scraping of the base portion of monuments due to the turf mowing operation is considered normal wear.
 - r) No person shall change the grade of any lot without the City's prior authorization. The City is to restore the lot to its original grade at the expense of the Owner should it be deemed necessary.
 - s) Owners are responsible to maintain monuments in good repair.
 - t) Any work defined as adding inscriptions, re-surfacing, re-highlighting or repairing monuments will require an application to be made to the City prior to commencement of work.
 - u) No inscription or impression shall be placed on any monument which, in the opinion of the Supervisor, is not in keeping with the dignity and decorum of the Cemetery.
 - v) Monuments installed without a permit of approval may be removed by the City without notification and all costs will be charged to the Owner for the removal.
 - w) Grave covers or Cairne/Boulder Monuments are not permitted in the Cemetery. Repair of existing grave covers or Cairne/Boulder Monuments will be permitted in the East Cemetery, however replacement will not be permitted.

5.0 VISITORS/VANDALISM

5.1 Visitors

- a) Visitors will be allowed access to the Cemeteries at all reasonable times, but must observe all rules which may be adopted for the regulation of visitors.
- b) No person other than an employee under the direction of the Supervisor shall enter or remain in the Cemetery between sunset of one day and sunrise of the day next following.
- c) Visitors are reminded that the Cemetery is sacredly devoted to the interment of the dead, and that a strict observance of the decorum

Bylaw No. 483-2000

CEMETERY BYLAW

which should characterize such a place will be required on the part of all.

- d) No person shall disturb the quiet and good order of the Cemetery by noise or other improper conduct.
- e) The owner of any moving vehicle shall be responsible for any damage done by such vehicle within the boundaries of the Cemetery.
- f) No person shall drive a vehicle in the Cemetery at a speed greater than 20 km/hr. All vehicles shall be driven upon the roadways provided with the exception where maintenance work or other cemetery care is required.
- g) The use of snowmobiles and other all terrain recreation vehicles shall not be permitted in the Cemetery at any time.
- h) The City shall not be responsible for articles placed on lots in the Cemetery.
- i) All complaints are to be directed to the Supervisor.
- j) Persons carrying firearms are prohibited from entering the Cemetery except in the case of a military funeral, and then only after prior written approval from the R.C.M.P. will entry into the Cemetery be allowed.
- k) No person shall enter upon any portion of the Cemetery which is set apart for storage facilities without first having obtained the consent of the Supervisor.

5.2 Vandalism

- a) No person shall destroy, damage, deface or write upon any monument, or other structure or object in any Cemetery.
- b) Monuments placed in the Cemetery are at the risk of the Owner and/or Agents.
- c) The City will not be responsible for loss, damage, defacement or destruction of a lot, private property or any article or thing placed or left in the Cemetery.
- d) Any person who commits an act of vandalism or offense pursuant to this Bylaw is liable on summary conviction to a minimum fine as indicated in Part IV of this Bylaw.

6.0 FEES

- 6.1 All charges relating to the sale of lots, opening and closing of graves, transfer of lots, monument permits and other applicable fees will be charged in accordance with the Fees & Charges Bylaw.

**Bylaw No. 483-2000
CEMETERY BYLAW**

PART IV: PENALTIES

1. Any person who contravenes any provision of this Bylaw is guilty of an offence and liable upon Summary conviction to a fine not exceeding \$2,500.00.
2. A person charged with an offence under this Bylaw may, in lieu of prosecution, pay the voluntary fine identified in Schedule "C" within thirty (30) days of the date of issue of the offence ticket.

PART V: REPEAL

1. Bylaw No. 300-93 and all subsequent amendments are hereby repealed.

PART VI: ENACTMENT

This Bylaw shall come into force and effect when it receives Third Reading and is duly signed.

READ A FIRST TIME IN COUNCIL THIS 24th DAY OF JULY, AD 2000.

READ A SECOND TIME IN COUNCIL THIS 24th DAY OF JULY, AD 2000.

READ A THIRD TIME IN COUNCIL AND FINALLY PASSED THIS 24th DAY OF JULY, AD 2000.

"original signed"

**George Rogers
MAYOR**

"original signed"

**Coral Callioux
CITY CLERK**

July 26, 2000

Date Signed

**Bylaw No. 483-2000
CEMETERY BYLAW**

PAGE 14

Code 12/12

Schedule A

Repealed – Bylaw No. 712-2008 adopted December 8, 2008

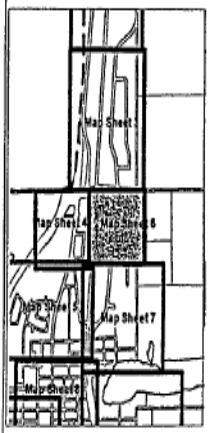
NOTE: The Fees & Charges are included in the Fees & Charges Bylaw.

Bylaw No. 483-2000 CEMETERY BYLAW

Schedule B



City of Leduc
CEMETERIES
SCHEDULE B
Map Sheet 6



City of Leduc
Geomatics Services Product
November 1999

**Bylaw No. 483-2000
CEMETERY BYLAW**

Schedule C

VOLUNTARY FINES

Description of Offence	Bylaw Section	Voluntary Payment in Lieu of Prosecution
	Part III	
Visitors are reminded that the Cemetery is sacredly devoted to the interment of the dead, and that a strict observance of the decorum which should characterize such a place will be required on the part of all.	5.1 (c)	\$50.00
No person shall disturb the quiet and good order of the Cemetery by noise or other improper conduct.	5.1 (d)	\$50.00
No person shall destroy, damage, deface or write upon any monument, or other structure or object in any Cemetery.	5.2 (a)	\$500.00