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TAMRMS#: B09

**6.3**

## Bylaw 09/2022 - Cemetery Bylaw

Presented by: Marta Caufield, Deputy City Solicitor, Legal & Legislative Services

### RECOMMENDED MOTION

That the Community Growth & Infrastructure Standing Committee recommend to Council that Bylaw 09/2022, the Cemetery Bylaw, be given all three readings.

### PURPOSE OF REPORT

The purpose of this report is to present a proposed new Cemetery Bylaw

### ALIGNMENT TO PRIORITIES IN COUNCIL'S STRATEGIC PLAN

N/A

### ALIGNMENT TO LEVELS OF SERVICE DELIVERY

Service: A.1.12 Cemetery Management

Description: Respond to clients' cemetery needs, requests, complaints and inquiries about cemetery standards, fees and appointments.

Service Component: A.1.12.a Cemetery Management

Service Level: Respond to clients' cemetery needs, requests, complaints and inquiries about cemetery standards, fees and appointments.

### ALIGNMENT TO COUNCIL (OR COMMITTEE) DIRECTION OR MANDATORY STATUTORY PROVISION

N/A

### BACKGROUND AND DISCUSSION

The *Cemeteries Act*, RSA 2000 c. C-3 (the "Act") permits municipalities to own and operate cemeteries. The City of St. Albert owns and operates the St. Albert Municipal Cemetery. Prior to the annexation of Sturgeon County, which was effective January 1, 2022, the cemetery was not located within the City's boundaries. Section 12 of the Municipal Government Act ("MGA") provides that a bylaw of a municipality only applies inside the municipality's boundaries unless two municipalities agree with one another that a bylaw passed by one municipality has effect inside the boundaries of the other municipality and the councils of both municipalities pass bylaws approving the agreement.

The current Cemetery Bylaw 27/2008 did not comply with the requirements of section 12 of the MGA, which means that the validity of the current bylaw is in question, notwithstanding the fact that the annexation has now occurred.

The Act, its associated regulations, and the *Vital Statistics Act*, SA 2007, c. V-4.1 govern and standardize the operation of all cemeteries in Alberta including the ones owned and operated by municipalities. The current Cemetery Bylaw is very cumbersome and contains a great deal of content that unnecessarily overlaps with the provincial statute and regulations. It is not advisable to have in place a cemetery bylaw that must go back to Council for amendment every time a change, however minor, occurs to regulations or best practices related to cemetery operations.

Therefore, since a new Cemetery Bylaw is needed in order to be certain of validity after annexation has finally brought the St. Albert Cemetery within the boundaries of St. Albert, and since Administration believes that a simplified bylaw is a better way to regulate our cemetery, the proposed new Cemetery Bylaw 09/2022:

- delegates authority regarding the operation and maintenance of the cemetery to the CAO, subject always to the requirements of the Act and all applicable provincial legislation, including the authority to set cemetery standards as required;
- removes most operational detail pertaining to the running of the cemetery from the bylaw, permitting operational issues to be handled more nimbly by the CAO, or their delegate, in accordance with applicable provincial legislation and responding quickly to new issues or best practices as they arise;
- maintains essentially the same list of violations as the old bylaw, with a few updates (for example, it is no longer a violation to walk on a plot, and there is an exception to permit service dogs in the cemetery, which was previously not the case);
- maintains the same fine amount for violations as the current bylaw;
- delays the effective date of this bylaw until September 30, 2022, to provide sufficient time to establish an Administrative Directive which will house the operational details pertaining to the running of the cemetery; and
- repeals the current Cemetery Bylaw when the new bylaw comes into effect.

If necessary, Administration will make minor clerical changes to the draft new Cemetery Bylaw before it is brought to Council.

Fees for cemetery services are set in accordance with Council Policy C-FS-16 (Municipal Fees and Charges) and were therefore not addressed in the old bylaw nor are they addressed in the proposed new bylaw.

If the new Cemetery Bylaw 09/2022 is passed:

- there will be no operational changes to the cemetery;
- customers will not experience any changes to cemetery services; and

- Administration will undertake some work to create a new Administrative Directive and update some of the documentation used in the cemetery services package provided to customers.

### **STAKEHOLDER COMMUNICATIONS OR ENGAGEMENT**

Internal stakeholder feedback was sought from the Public Works department, which manages the cemetery's operations. They are supportive of the proposed changes.

### **IMPLICATIONS OF RECOMMENDATION(S)**

Financial:

None at this time.

Legal / Risk:

Section 12 of the Municipal Government Act provides that a bylaw of a municipality only applies inside the municipality's boundaries unless two municipalities agree with one another that a bylaw passed by one municipality has effect inside the boundaries of the other municipality and the councils of both municipalities pass bylaws approving the agreement, or another enactment says that a bylaw applies outside the boundaries of the municipality. The current Cemetery Bylaw 27/2008 was passed when the St. Albert Municipal Cemetery was not located within City of St. Albert boundaries, and its validity prior to annexation was legally suspect. Annexation alone would not necessarily transform an invalid bylaw into a valid one.

Program or Service:

None at this time.

Organizational:

None at this time.

### **ALTERNATIVES AND IMPLICATIONS CONSIDERED**

If the Community Living and Standing Committee does not wish to support the recommendation, the following alternatives could be considered:

Alternative 1. Provide direction to Administration regarding changes to the new Cemetery Bylaw 09/2022.

Report Date: April 11, 2022

Author: Marta Caufield

Department: Legal & Legislative Services

Deputy Chief Administrative Officer (Interim): Diane Enger

Chief Administrative Officer (Interim): Kerry Hilts

**CITY OF ST. ALBERT**

BYLAW 09/2022

**CEMETERY BYLAW**

A Bylaw respecting the operation of the St. Albert Municipal Cemetery

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

AND WHEREAS the *Municipal Government Act*, R.S.A, 2000, c.M-26, as amended, empowers a municipal Council to pass bylaws for municipal purposes in relation to the safety, health, and welfare of people and the protection of people and property; people, activities, and things in, on, or near a public place or place that is open to the public; services provided by or on behalf of the municipality, and nuisances including unsightly property;

AND WHEREAS, the municipal Council wishes to establish a bylaw respecting the operation of the Cemetery;

NOW THEREFORE, the Council of the City of St. Albert, duly assembled, hereby ENACTS AS FOLLOWS:

**TITLE**

1. This Bylaw may be referred to as the “Cemetery Bylaw”.

**DEFINITIONS**

2. In this Bylaw:

- a. “Act” means the *Cemeteries Act*, R.S.A. c. C-3, as amended;
- b. “Cemetery” means the land within the City that is set apart or used as a place for Interment;
- c. “City” means the municipal corporation of the City of St. Albert;
- d. “Chief Administrative Officer” or “CAO” means the individual appointed by Council to the position of Chief Administrative Officer under section 205 of the *Municipal Government Act* and pursuant to the Chief Administrative Officer Bylaw;
- e. “Council” means the municipal Council of the City of St. Albert;

- f. "Interment" means:
  - i. placing dead human remains or ashes underground;
  - ii. placing cremated human remains or ashes in a suitable container in a columbarium or underground; or
  - iii. scattering cremated human ashes in an area designated for that purpose;and
- g. "Peace Officer" means a person employed for the purpose of preserving and maintaining the public peace, and includes:
  - i. a provincially appointed Community Peace Officer for the City;
  - ii. a bylaw enforcement officer authorized to enforce this bylaw in accordance with their appointment; and
  - iii. a member of the Royal Canadian Mounted Police.

### **CAO RESPONSIBILITIES**

- 3. The City owns, controls, and manages the Cemetery known as the "St. Albert Municipal Cemetery", legally described as Plan 7921817, Lot A, and municipally located at 25116 Poundmaker Road, as indicated on the map attached as Schedule A.
- 4. The Cemetery shall be used for Interment and for activities related to Interment.
- 5. The CAO is responsible for operation of the Cemetery, and accordingly shall:
  - a. operate the St. Albert Municipal Cemetery in compliance with the Act and regulations thereunder, and with all other applicable law;
  - b. subdivide and sell or assign for Interment purposes parts of the Cemetery;
  - c. direct the manner in which Interment may occur, and set Cemetery operational standards and rules for public use of the Cemetery;
  - d. oversee the general maintenance of the Cemetery;
  - e. specify and post information about the Cemetery's hours of access;

- f. receive and account for all payments received from sales of plots, Interment rights, and related activities;
  - g. be entitled to gather and store all records required to ensure the City's full compliance with the Act; and
  - h. execute contracts respecting Interment rights.
6. The CAO may delegate their authority under this Bylaw as they deem fit.

### **CONDITIONS AND RESTRICTIONS**

7. Except as authorized by the CAO no person shall:
- a. place in the Cemetery anything that is not in keeping with the safety, dignity, and cleanliness of the Cemetery;
  - b. place or install any monument, fence, railing, enclosure, or structure of any kind in the Cemetery;
  - c. plant, seed, grow, or maintain any tree, plant, shrub, flower, or any other thing intended for growth in the Cemetery;
  - d. use the Cemetery for any purpose not associated with Interment;
  - e. be or remain within the Cemetery outside of the hours of operation posted at the Cemetery entrance;
  - f. disturb persons assembled for a funeral, service, or visitation;
  - g. create any nuisance, engage in activities such as games or sport, or otherwise engage in any activity within the Cemetery that is indecent or disrespectful, or disturbing to the solemnity or repose of the Cemetery;
  - h. operate a vehicle at a rate of speed greater than the posted speed limit within the Cemetery;
  - i. operate a vehicle within the Cemetery except on a driveway intended for vehicular travel;
  - j. with the exception of service dogs, bring an animal into the Cemetery except if the animal remains securely confined in a vehicle;
  - k. disturb or injure any authorized tree, shrub, or plant growing in the Cemetery; or

- I. destroy, damage, alter, write upon, mark, scratch, deface, or remove any authorized marker, railing, fence, gate, building, structure, vehicle, machinery, tool, or equipment within the Cemetery.

## **ENFORCEMENT**

### **Offence**

8. A person who contravenes any provision of this bylaw is guilty of an offence.
9. When a corporation commits an offence under this bylaw, every principal, director, manager, employee or agent of the corporation who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence, is guilty of the offence whether or not the corporation has been prosecuted for the offence.
10. If a partner in a partnership is guilty of an offence under this bylaw, each partner in that partnership who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence.

### **Continuing Offence**

11. In the case of an offence that is of a continuing nature, a contravention of a provision of this bylaw constitutes a separate offence with respect to each day, or part of a day, during which the contravention continues, and a person guilty of such an offence is liable to a fine in an amount not less than that established by this bylaw for each such separate offence.

### **Fines and Penalties**

12. A person who is guilty of an offence under this Bylaw is liable:
  - a. to a fine of \$250.00; or
  - b. on summary conviction, to a fine not exceeding \$10,000.00 or to an order of imprisonment for not more than one year, or both.

### **Municipal Violation Tag**

13. A Peace Officer may issue, with respect to an offence under this bylaw, a municipal violation tag specifying the fine amount (including any early payment fine amount) established by this bylaw.
14. Where a municipal violation tag is issued, the fine amount indicated thereon may be paid as directed in lieu of prosecution.

**Violation Ticket**

15. A Peace Officer may issue, with respect to an offence under this bylaw, a violation ticket:

- a. specifying the fine amount established by this bylaw; or
- b. requiring an appearance in court without the option of making a voluntary payment.

16. Where a violation ticket specifies a fine amount, a voluntary payment equal to the specified fine amount may be made as directed.

**SEVERABILITY**

17. Should any provision of this bylaw be invalid, then the invalid provision shall be severed, and the remainder of this bylaw shall be maintained.

**EFFECTIVE DATE**

18. This bylaw comes into effect at 12:00:00 am on September 30, 2022.

**REPEAL OF BYLAW 27/2008**

19. Bylaw 27/2008 is repealed when this bylaw comes into effect.

READ a First time this \_\_\_ day of \_\_\_\_\_ 20\_\_.

READ a Second time this \_\_\_ day of \_\_\_\_\_ 20\_\_.

READ a Third time this \_\_\_ day of \_\_\_\_\_ 20\_\_.

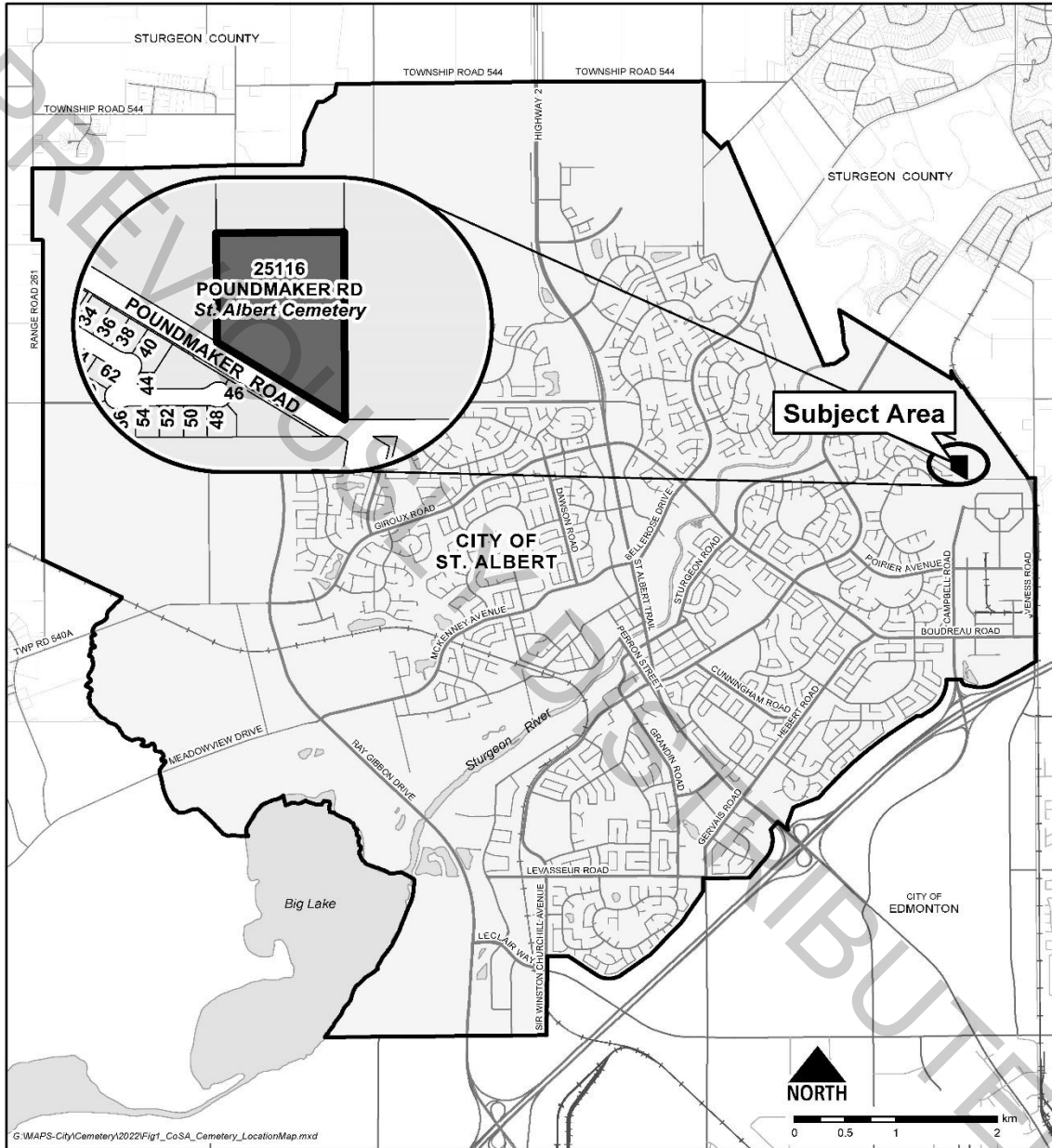
SIGNED AND PASSED this \_\_\_ day of \_\_\_\_\_ 20\_\_.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CHIEF LEGISLATIVE OFFICER



Schedule A  
Cemetery Location





**Location Map**  
 City Cemetery  
 25116 Poundmaker Road



Consolidated Version  
of  
**the Cemetery Bylaw**

(being Bylaw No. 27/2008 of the City of St. Albert, as amended by Bylaw No. 6/2011, 26/2015 and 5/2019, consolidated and printed under the authority of the Chief Administrative Officer of the City of St. Albert)

This is certified to be a true copy of consolidated  
Bylaw No. 27/2008 of the City of St. Albert.

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**David S. Leflar**  
Director of Legal and Legislative Services  
Chief Legislative Officer

The text shown in parentheses in various locations throughout this document identifies the corresponding amending bylaw which authorized the change. For example (BL 5/2019) refers to Bylaw No. 5/2019.

## CITY OF ST. ALBERT

### BYLAW 27/2008

#### A Bylaw to Establish and Define the Functions of the St. Albert Cemetery

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#### WHEREAS

- i. Section 7 of the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended, provides that Council may pass bylaws respecting the safety, health and welfare of people and the protection of people and property; people, activities and things in, on or near a public place or place that is open to the public; nuisances, including unsightly property; and services provided by or on behalf of the municipality; and
- ii. Council wishes to establish a bylaw to regulate the use and disposition of the lands and property within the Cemetery;

the Council of the City of St. Albert, duly assembled, hereby ENACTS AS  
FOLLOWS:

#### Title

1. This Bylaw may be referred to as the "Cemetery Bylaw".

#### Definitions

2. In this Bylaw:
  - (a) "Act" means the *Cemetery Act*, R.S.A. 2000, c. C-3, as amended;
  - (b) "Ash Plot" means a Plot intended for the burial of Urns;
  - (c) "Bylaw" means this Cemetery Bylaw;
  - (d) "Burial permit" means a burial permit issued under the *Vital Statistics Act*, R.S.A. 2007, c. V-4.1, as amended; **(BL 26/2015)**

- (e) "Cemetery" means those City-owned lands, including the structures and the Columbaria thereon, legally described as

Plan 7921817

Lot A

Excepting thereout all mines and minerals

Area: 2.56 hectares (6.33 acres) more or less;

- (e.1) "Chief Administrative Officer" or "CAO" means the individual appointed by Council to the position of Chief Administrative Officer under section 205 of the *Municipal Government Act* and pursuant to the Chief Administrative Officer Bylaw; **(BL 5/2019)**
- (f) "City" means the municipal corporation of the City of St. Albert;
- (g) **DELETED (BL 5/2019)**
- (h) "Columbarium" means a secure structure within the Cemetery designed for the final storage of containers holding cremated human remains or ashes;
- (i) "Council" refers to the elected Council of the City of St. Albert;
- (j) "Disinterment" means the authorized removal of dead human remains or ashes from the Cemetery;
- (k) "Double-Depth Grave" means a Grave excavated to a depth that accommodates two bodies in separate caskets such that one casket is placed immediately above the other;
- (l) "Flat Marker" means a plaque, constructed of approved granite, marble or bronze and mounted flat on a base set flush with the ground, that identifies the Interred person(s) and is inscribed as desired by the owner of the Interment Rights provided the inscription is in keeping with the dignity of the Cemetery;
- (m) "Grave" means an excavation intended for the burial of human remains or cremated human remains or ashes;
- (n) "Infant" means a human being up to one year of age;
- (o) "Interment" means, in a manner prescribed by the Act or this Bylaw:
- i. placing dead human remains or ashes underground in the Cemetery;

- ii. placing cremated human remains or ashes in a suitable container in a Columbarium or underground in the Cemetery;  
or
  - iii. scattering cremated human ashes in a Scattering Garden;
- (p) “Interment Rights” means any purchased right to a Plot or Niche and any associated right to have the City:
- i. open, prepare and close an Ash Plot, Grave or Niche for Interment purposes; or
  - ii. prepare an Ash Plot, Grave or Niche for Disinterment;
- (q) “Liner” means a rough concrete container that is installed in a Grave by the City prior to the placement of the casket;
- (r) “Memorial Wall” shall mean a flat wall which is divided into sections on which there can be memorial information engraved;
- (s) “Niche” means a Columbarium niche;
- (t) “Plot” means a subdivided portion of the Cemetery purchased for Interment purposes;
- (u) “Scattering Garden” means an area of the Cemetery designated by the CAO for the dispersal of cremated human remains or ashes on the ground or in the rockery;
- (v) “Schedule” means a Schedule attached to and forming a part of this Bylaw;
- (w) “Section” means a section of this Bylaw;
- (x) “Successor” means a person who succeeds to the rights, powers and responsibilities of a former Interment Rights holder;  
**(BL 26/2015)**
- (y) “Survivor” is as defined in the *War Veterans Allowance Act*, R.S., 1985, c. W-3, as amended;
- (z) “Urn” means a vessel designed for storing the ashes of the cremated dead;
- (aa) “Vase” means a vessel intended to contain cut flowers;

- (bb) "Vault" shall mean a sealed container that is installed in a Grave in place of a Liner; and
- (cc) "Veteran" shall be as defined in the *War Veterans Allowance Act* R.S., 1985, c. W-3, as amended.

### **Land Use**

- 3. The Cemetery shall be used solely for Interment purposes.

### **Chief Administrative Officer's Responsibilities (General) (BL 5/2019)**

- 4. The CAO shall have general control of the operation of the Cemetery, and by exercising such control shall: **(BL 5/2019)**
  - (a) subdivide and sell or assign for Interment purposes parts of the Cemetery, including the Columbaria;
  - (b) subject to this Bylaw and the Act, direct the manner in which Interment shall proceed;
  - (c) oversee the general maintenance of the Cemetery;
  - (d) specify and post the Cemetery's hours of access;
  - (e) receive and account for all payments received from sales of plots, Interment Rights and related activities;
  - (f) as a precondition to granting Interment Rights, be entitled to gather and store all records required to ensure the City's full compliance with the Act; and
  - (g) execute contracts in reference to Interment Rights.
- 5. The CAO may delegate his or her authority under this Bylaw as he or she deems fit. **(BL 5/2019)**

### **Interment Rights**

- 6. Each purchaser of Interment rights shall execute a contract and receive a copy of same detailing the nature of the person's Interment Rights.
- 7. No Interment shall be permitted in the Cemetery unless and until:

- (a) a contract referencing Interment Rights relating to the Interment application is issued or acknowledged by the CAO; **(BL 5/2019)**
- (b) the CAO is presented with a burial permit issued by the proper official of the Province of Alberta (or such other written authority as may be required from time to time under the laws of the Province of Alberta); and **(BL 5/2019)**
- (c) in the case of a burial other than in an Ash Plot, a Liner or Vault is first installed in the Grave.

### Interment

- 8. (1) A minimum of 72 regular working hours' notice shall be given to the CAO prior to the date and time set for the Interment. **(BL 26/2015)**  
**(BL 5/2019)**
- (2) Saturdays, Sundays and statutory or declared holiday hours shall not be counted as regular working hours for the purpose of Subsection (1).
- 9. Except as permitted hereunder or by the CAO, no person except City personnel shall open, install a Liner within, or close a Grave. **(BL 5/2019)**
- 10. Except in a Double-Depth Grave or an Ash Plot, no more than one person shall be buried in a single Grave other than a parent and Infant child placed in the same casket.
- 11. A standard-depth grave may contain:
  - (a) the remains of a single individual; or
  - (b) the remains of a parent and infant interred at the same time; or
  - (c) no more than four (4) Urns**(BL 26/2015)**
- 12. A standard-depth grave may not be expanded into a Double-Depth grave once an interment has occurred. **(BL 26/2015)**
- 13. A Double-Depth Grave may contain at the double-depth level:
  - (a) the remains of a single individual; or

- (b) the remains of a parent and infant interred at the same time.  
**(BL 26/2015)**

14. No more than four (4) Urns may be buried in an Ash Plot.
15. A Niche may hold two (2) or more Urns provided that the Urns are at least 2.5 centimetres from each adjacent container or the Niche walls.

### **Vaults**

16. A Vault shall be supplied and installed by an independent supplier at the purchaser's sole expense, and installation shall proceed such that:
- (a) the highest point of the Vault is situated no less than one (1) metre below the soil surface;
- (b) unless the CAO permits otherwise the Vault shall fit a Grave excavation of 2.4 metres in length by 0.9 metres in width.  
**(BL 5/2019)**

### **Flat Markers, Vases, Niches and Memorial Wall**

17. (1) No Grave marker may be installed within the Cemetery other than a Flat Marker.
- (2) Flat Markers and Vase shall be installed in the Cemetery by the City at the Interment Rights holder's sole expense.
- (3) Niche doors and Memorial Wall spaces shall be inscribed in an approved manner by a third party at the Interment Rights holder's sole expense.
- (4) Vases or other protruding ornamentation shall not be mounted on niche doors and Memorial Wall spaces. **(BL 26/2015)**
- (5) Flat Marker, Vase and Niche materials, dimensions, design, placement and appearance shall comply with the requirements specified in Schedule A.
18. Flat Markers and Vases are the property of the Interment Rights holder or the Successor thereof and shall be maintained and replaced at the expense of that individual.
19. Notwithstanding Section 18, no Flat Marker or Vase shall be disturbed or removed without the CAO's written permission. **(BL 26/2015) (BL 5/2019)**

### Field of Honour

20. The CAO shall set apart a portion or portions of the Cemetery as a Field of Honour for the Interment of a Veteran and one Survivor of that Veteran. **(BL 5/2019)**

### Disinterment

21. Upon receipt of a Disinterment permit as defined by the *Vital Statistics Act* and the fees corresponding to Disinterment rights; the CAO shall furnish the applicant with authorization for the Disinterment and require, when applicable, that a Grave be opened to the top of the casket or Urn. **(BL 26/2015) (BL 5/2019)**
22. Except as permitted hereunder or by the CAO, no person other than City personnel acting under the CAO's direction shall prepare an Ash Plot, Grave or Niche for Disinterment. **(BL 5/2019)**
23. A third party funeral director shall be responsible for the removal of human remains or the removal of a buried Urn and the purchaser of the Disinterment rights shall be responsible for the removal of an Urn from a Niche.

### Transfer of Interment Right

24. A holder of Interment Rights may sell, assign or dispose of those Interment Rights. The rights holder shall file with the CAO a transfer or assignment in writing and the CAO shall issue a new contract of Interment Rights as required. **(BL 5/2019)**

### Cancellation of Contract

25. Upon the application of the Interment Rights holder, the City may cancel the Interment Rights contract and refund to the applicant an amount equal to the price originally paid for the Interment Rights (without interest) after making deductions for any expenses incurred by the City.

### Cemetery Conditions

26. (1) No person shall:

- (a) place in the Cemetery anything that is not in keeping with the safety, dignity and cleanliness of the Cemetery;
  - (b) except as permitted by the CAO, place or install any monument, fence, railing, enclosure, coping or structure of any kind in the Cemetery; or **(BL 5/2019)**
  - (c) except as permitted by the CAO, plant, seed, grow or maintain any tree, plant, shrub, flower or any other thing intended for growth in the Cemetery. **(BL 5/2019)**
- (2) The City may remove from the Cemetery, without notice, any unauthorized item referenced in Subsection (1).
27. (1) If anything that has been authorized for placement or installation on a Plot or Niche (including a Flat Marker or any permitted item referenced in Section 23) becomes, in the CAO's opinion, objectionable in condition or appearance for any reason, the City may remove that thing if: **(BL 5/2019)**
- (a) the CAO sends 30 days' written notice of the intention to remove to the last known address of the Interred person's next-of-kin; **(BL 5/2019)**
  - (b) notice of the intention to remove is posted in a conspicuous place in the Cemetery for a period of 30 days; and
  - (c) prior to the expiration of the notice period, the objectionable condition is not corrected by any other person.
- (2) The requirement to send notice under Subsection (1)(a) applies only if a next-of-kin address is on record with the City, and in such case (whether or not such address is current) notice may be provided by registered mail and deemed received by the recipient five (5) days following its mailing.

### General Restrictions

28. Subject to the CAO's permission, no person shall: **(BL 5/2019)**
- (a) use the Cemetery for any purpose not associated with Interment;
  - (b) be or remain within the Cemetery outside of the hours of operation posted at the Cemetery entrance;

- (c) engage in any boisterous activity within the Cemetery;
- (d) operate a vehicle at a rate of speed greater than 20 kilometres per hour within the Cemetery;
- (e) operate a vehicle within the Cemetery except on a driveway intended for vehicular travel;
- (f) bring an animal into the Cemetery except if the animal remains in a vehicle;
- (g) **DELETED (BL 25/2015)**
- (g) walk on a Plot except for the purpose of doing maintenance work;
- (h) disturb or injure any authorized tree, shrub or plant growing in the Cemetery; or
- (i) write upon, mark, scratch or deface any authorized Flat Marker, gate, building or structure within or around the said Cemetery.

#### **Limit of Liability**

- 29. The City, its officers, employees, servants, contractors, agents and elected officials shall not be liable for any injury to any person or property in the Cemetery from any cause whatsoever except any loss or damage directly caused by the sole negligence of the City, its officers, employees, servants, contractors, agents or elected officials.
- 30. Without limiting the generality of Section 26, the liability of the City, its officers, employees, servants, contractors, agents and elected officials for any claims, actions, causes of actions, damages, costs (including solicitor and client costs), or expenses arising whatsoever from or in relation to any error or inaccurate description of any Plots, Grave sites, Niches, or other structures or Interment Rights shall be limited to the fees paid to the City.

#### **Offence**

- 31. A Person who contravenes this Bylaw is guilty of an offence.
- 32. In the case of an offence that is of a continuing nature, a contravention of a provision of this Bylaw constitutes a separate offence with respect to each day during which the contravention continues, and a Person guilty of

such an offence is liable to a fine in an amount not less than that established by this Bylaw for each such separate offence.

### **Fines and Penalties**

33. A Person who is guilty of an offence is liable
- (a) to a fine of \$250.00; or
  - (b) on summary conviction, to a fine not exceeding \$10,000.00 or to an order of imprisonment for not more than 1 year, or both.

### **Violation Ticket**

34. (1) A Peace Officer may issue, with respect to an offence under this Bylaw, a Violation Ticket:
- (a) specifying the fine amount established by this Bylaw; or
  - (b) requiring an appearance in court without the option of making a voluntary payment.
- (2) Where a Violation Ticket specifies a fine amount, a voluntary payment equal to the specified fine amount may be made as directed.

### **Certified Copy of Record**

35. A copy of a record of the City, certified by the CAO as a true copy of the original, shall be admitted in evidence as *prima facie* proof of the facts stated in the record without proof of the appointment or signature of the person signing it. **(BL 5/2019)**

### **Repeal**

36. Bylaw 58/79 is repealed concurrent with this Bylaw coming into force.

## Schedule "A"

### Specifications for Flat Markers, Niche Doors, Memorial Wall and Vases

1. Standard Plot Flat Marker dimensions shall be 39" x 18". Concrete borders around standard Plot Flat Markers shall be 4" wide (for an overall dimension of 47" by 26").
2. Ash Plot Flat Marker dimensions shall be 39" by 18". Concrete borders around Ash Plot Flat Markers shall be 4" wide (for an overall dimension of 47" by 26").
3. Concrete foundations for Flat Markers shall be rectangular in shape, not less than 4" thick and the top of such foundation shall be 13 mm below ground level and shall be of not less than 15 MPa strength concrete and set on a 6" gravel base.
4. Side-by-side Markers shall be designed as a single Marker centered across the two Plots with a maximum dimension of up to 42" x 18".
5. Vases of suitable metal construction are permitted when imbedded in a Flat Marker such that the Vase is recessed flush with the ground.
6. Niche door fronts and Memorial Wall spaces may be inscribed in a modified Roman font within a 10" x 10" space centred on a 12" x 12" door.

(BL 5/2019)