

# 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 19th day of April 2022.

READ a Second time this 19th day of April 2022.

READ a Third time this 19th day of April 2022.

SIGNED AND PASSED this 21<sup>st</sup> day of April 2022.



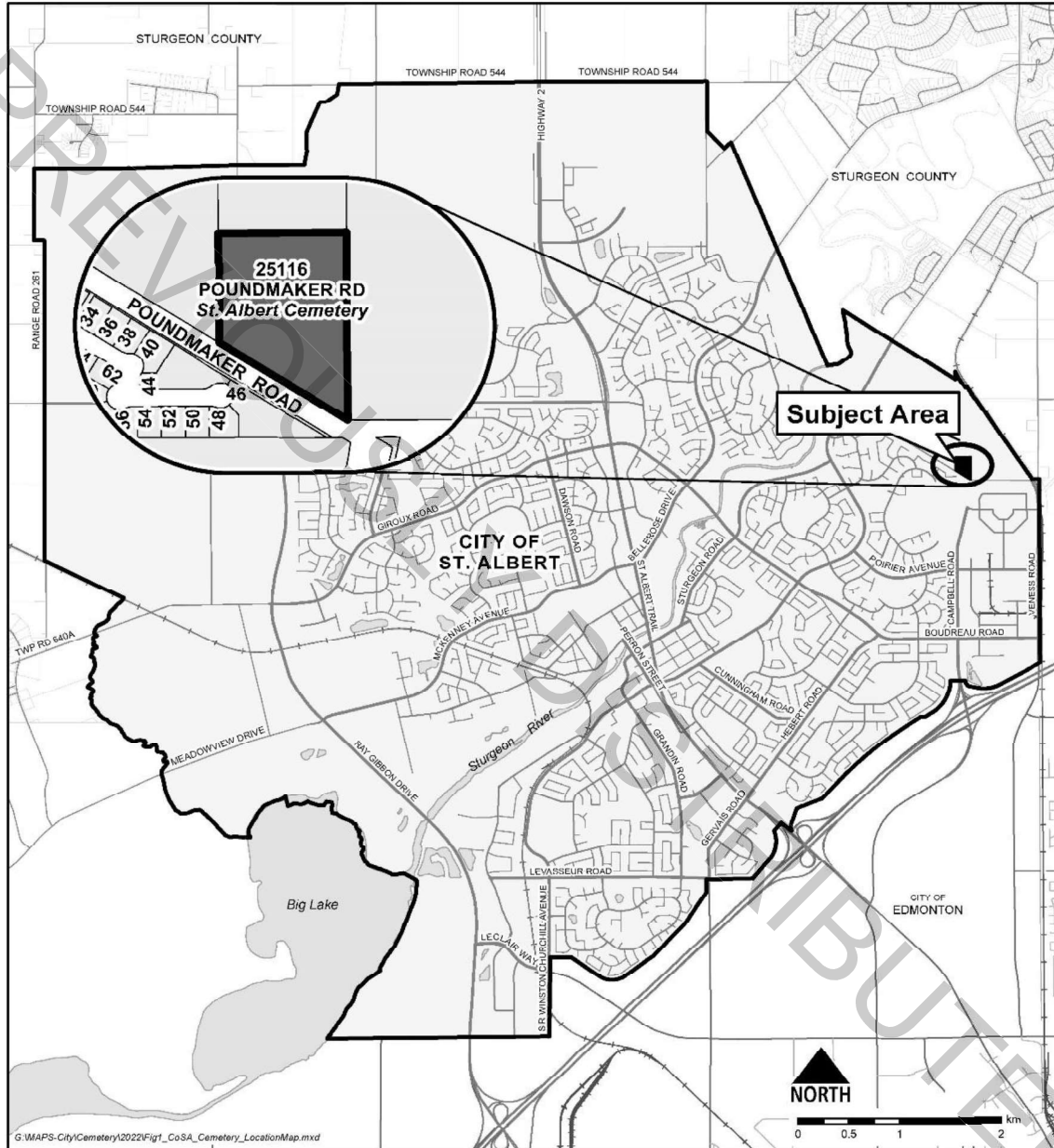
MAYOR



David Leflar (Apr 21, 2022 14:28 MDT)

CHIEF LEGISLATIVE OFFICER

# Schedule A Cemetery Location



**Location Map**  
City Cemetery  
25116 Poundmaker Road