

**BRAZEAU COUNTY**

**BYLAW NO: 1113-22**

**BEING A BYLAW OF BRAZEAU COUNTY, IN THE PROVINCE OF ALBERTA, TO ESTABLISH REGULATIONS FOR THE OPERATION OF MUNICIPAL CEMETERIES.**

**WHEREAS**, 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;

**WHEREAS**, the Council of Brazeau County wish to regulate the operation of cemeteries in Brazeau County;

**NOW THEREFORE** the Council of Brazeau, duly assembled, enacts as follows:

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## **1. TITLE AND DEFINITIONS**

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

1.2. In this Bylaw:

- a. "Act" means the *Cemeteries Act*, R.S.A. 2000, c. C-3 as amended;
- b. "Base" refers to the bottom portion of a Monument;
- c. "Burial Permit" means a burial permit issued under the *Vital Statistics Act*, S.A 2007, c. V-4.1 as amended;
- d. "Cemetery" means County – owned land set apart or used as a place for the interment of deceased human bodies or other human remains;
- e. "Cemetery Plan" means a plan for a Cemetery identifying the location of Grave Lots and walks and roadways and other specific areas;
- f. "Cemetery Services" means the supplying of any service to be rendered at a Cemetery in respect of any Grave, Niche, or Monument;
- g. "Chief Administrative Officer" or "CAO" means a person appointed to a position under section 205 of the *Municipal Government Act*, R.S.A. 2000 c. M-26 as amended or their Designate;
- h. "Child" means any person two years of age up to and including twelve years of age;
- i. "County" means Brazeau County; a municipal corporation in the Province of Alberta;
- j. "Columbarium" means a structure designed for storing cremated human remains;
- k. "Council" means the municipal council of the County;
- l. "Contractor" means a person or individual paid fees by the County to provide services to a Cemetery;
- m. "Designate" means a person or individual appointed by the CAO for the purposes of implementing this bylaw;
- n. "Disinterment" means the digging up and removal of a body from a Grave Lot or the removal of cremated human remains from a Niche;

- o. **“Employee” means a persons employed by the County;**
- p. **“Field of Honour” means the area of the Cemetery shown on the Cemetery Plan as being reserved for the burial of Veterans;**
- q. **“Flat Monument” means a Monument whose surface is level with the surrounding ground contour of that particular Grave Lot;**
- r. **“Flowers” mean artificial or real blooms or both;**
- s. **“Foundation” means a permanent support providing the base for a Monument;**
- t. **“Grave” means an excavation intended for the burial of human remains or cremated human remains;**
- u. **“Grave Lot” means the portion of land in a Cemetery that is sold or provided as a unit for one or more Graves;**
- v. **“Green Burial” means an environmentally friendly form of burial that does not involve chemicals or concrete;**
- w. **“Green Burial Area” means a designated area in the Cemetery permitting environmentally friendly burial practices;**
- x. **“Green Burial Monument” means a County owned Memorial for the memorialization of deceased human remains within the Green Burial Area;**
- y. **“Infant” means any person less than two years of age;**
- z. **“Interment” means:**
  - I. **the burial of deceased human remains or ashes within the boundaries of a Grave Lot; or**
  - II. **placing cremated human remains or ashes in a suitable container in a Columbarium or underground in a Grave Lot;**
- aa. **“Monument” means any structure level with or above the ground and erected or constructed on any Grave Lot for memorial purposes;**
- bb. **“Niche” means a single compartment of a columbarium for cremated human remains;**
- cc. **“Owner” means a person who has purchased a Grave Lot or Niche;**

- dd. "Sales Contract" means a contract between the County and a purchaser of Cemetery Services or of a Grave or Niche; and
- ee. "Veteran" has the meaning set out in the *War Veterans Allowance Act*, RSC. 1985, c.W-3, as amended;
- ff. "Violation Tag" means a tag or similar document issued by the County under the *Municipal Government Act*, RSA 2000, c.M-26, as amended; and
- gg. "Violation Ticket" means a ticket issued under Part 2 of the *Provincial Offences Procedure Act*, RSA 2000, c.P-34, as amended.

## **2. ORGANIZATION, OPERATION AND MANAGEMENT OF CEMETERIES**

- 2.1. The County shall keep available for public inspection all Cemetery Plans and any other information that may be required under the *Act*.
- 2.2. The County shall make Grave Lots available for the burial of indigent and unclaimed bodies pursuant to the *Act*.
- 2.3. The County shall make Grave Lots available to Veterans pursuant to the *Act*.
- 2.4. The CAO has general control of the operation of the Cemetery, which includes the authority to:
  - a. distribute and sell or assign, for Interment purposes, parts of the Cemetery,
  - b. subject to this Bylaw and the *Act*, direct the manner in which Interment or Disinterment shall proceed;
  - c. oversee the general maintenance of the Cemetery;
  - d. specify the Cemetery's hours of access;
  - e. receive and account for all payments received from sales of Graves and Niches, and Cemetery Services;
  - f. prepare and maintain all records required to ensure the County's full compliance with the *Act*;
  - g. prepare for Council approval annual capital budgets and annual operating budget for the Cemeteries;
  - h. making expenditures in accordance with the approved capital budgets and operating budgets for the Cemeteries; and

- i. execute Sales Contracts.

**3. FEES**

- 3.1. The County shall charge fees for Grave Lots, Niches, Interment, Disinterment, Cemetery Services and any other applicable fees and charges as specified in the Schedule of Fees Bylaw, as amended.

**4. PERPETUAL CARE FUND**

- 4.1. The County shall set aside a percentage of the value of all Sales Contracts, including Grave lots, Niches and Cemetery Permits, to be used for Perpetual Care of the Cemetery.
- 4.2. Council shall set the percentage to be deposited into the Perpetual Care Fund in the Schedule of Fees Bylaw.
- 4.3. The County shall manage all funds or property received for the Perpetual Care Fund and may invest funds in accordance with the *Municipal Government Act, R.S.A. 2000 c. M-26* as amended.
- 4.4. The County may only use the interest and dividend income earned by the Perpetual Care Fund for the purpose of paying for the maintenance and upkeep of the Cemeteries.
- 4.5. The County may receive monetary gifts, bequests or donations from any person for the purpose of perpetual care, which it shall place in a perpetual care fund. The County shall use the monetary gifts, bequests or donations for perpetual care.

**5. SALES CONTRACTS, TRANSFER AND CANCELLATION**

- 5.1. Each purchaser of a Grave Lot, Niche or Cemetery Services or any or all of them shall execute a Sales Contract and receive a copy of the Sales Contract.
- 5.2. A Sales Contract shall include:
  - a. a detailed listing of the Cemetery supplies or Cemetery Services to be provided by the Cemetery and their cost;
  - b. the location and lot or compartment number of any Grave Lot, Niches, Monuments or structures that are being purchased; and
  - c. a statement disclosing what portion of the fees paid under the Sales Contract is for the provision of perpetual care.

- 5.3. No person may purchase more than 4 Grave Lots or Niches for any one Cemetery unless the CAO grants prior written approval for the purchase.
- 5.4. An Owner of a Grave Lot or a Niche shall use the Grave Lot or Niche only for Interment purposes.
- 5.5. No Interment is permitted to be undertaken, nor any marker, Monument, inscription or memorial to be placed until payment of all applicable fees and charges have been made in full.
- 5.6. An Owner of an unused Grave Lot or Niche may :
  - a. sell the Grave Lot or Niche back to the County at 85% current market value of the plot at the date of resale; or
  - b. transfer an unused Grave Lot or Niche to another person upon receipt of prior written authorization from the CAO and upon completion of a transfer application from the Owner.
- 5.7. A transfer application shall include:
  - a. the information specified on the form established by the CAO;
  - b. the original Sales Contract for the Grave Lot or Niche;
  - c. payment of the applicable fee;
  - d. if a Perpetual Care Fund contribution has not previously been paid, the applicable amount specified in the Schedule of Fees Bylaw as amended; and
  - e. such other information as the CAO may reasonably request.
- 5.8. Upon receipt of a completed transfer application, the CAO shall cancel the original Sales Contract and issue a new Sales Contract in the name of the transferee and record the transfer in the Cemetery records.
- 5.9. The transferee must enter into a new Sales Contract with the County where the Sales Contract includes the provision of Cemetery Services or Cemetery supplies.
- 5.10. No person shall transfer a Sales Contract for a Grave Lot or Niche to another person unless the transfer is pursuant to this Bylaw.
- 5.11. Upon the application of an Owner, the County may cancel the Sales Contract and refund to the owner for services purchased an amount equal to the full original amount after deducting any expenses incurred by the County.

## **6. GRAVE LOTS AND NICHES**

### **Grave Lots**

- 6.1. All Grave Lots shall be of the following sizes:
- a. adult – not less than 2.8 m (length) X 1.2 m (width);
  - b. child – not less than 2.13 m (length) X 1.07 m (width);
  - c. Green Burial - not less than 2.8 m (length) X 1.2 m (width);
  - d. infant – not less than 1.37 m (length) X 0.91 m (width); and
  - e. cremated remains – not less than 0.61m (length) X 0.61 m (width).
- 6.2. No adult Grave Lot shall contain more than 2 deceased human bodies and 4 sets of cremated remains. No Grave Lot in a Green Burial Area shall contain more than 1 deceased human body. All other Grave Lots shall only contain 1 deceased human body or 2 set of cremated remains.
- 6.3. All interments of deceased human bodies must contain a grave liner, except for Green Burials which do not require a grave liner in a Green Burial Area.
- 6.4. The dimensions for Grave Lots applies only to Grave Lots sold after the adoption of this Bylaw.

### **Niches**

- 6.5. Each above ground Interment shall be in a Niche.
- 6.6. No Niche shall contain more than 2 sets of cremated remains unless prior written permission has been received from the CAO.
- 6.7. Any urn placed in a Niche:
- a. shall be made of durable materials that will not deteriorate over time to the satisfaction of the CAO; and
  - b. must not be taller than 12" in height.
- 6.8. Plaques and/or inscriptions for a Niche shall be approved by the CAO, and:
- a. may be placed or installed on each Niche provided that the applicable fees are paid and the Monument conforms to the requirements of this Bylaw;



- b. shall consist solely of given names or initials and surnames together with years of birth and death or the age of the decedent; and
  - c. shall be no more than 28 cm in length each, the surname lettering to be 1.9 cm in height, and given name and initial lettering to be 1.3 cm in height using a font that is specified by the CAO.
- 6.9. No person shall place portraits on the exterior of Columbaria.
- 6.10. No person shall alter, embellish or adorn any Niche without the prior written consent of the CAO.

## **7. INTERMENT**

- 7.1. Cemeteries only permit the interment of deceased human bodies or remains. No other interments are permitted.
- 7.2. No Interment shall be permitted in a Cemetery until the CAO:
- a. has a completed Sales Contract including the information specified on the form established by the CAO; and
  - b. has received the appropriate Burial Permit.
- 7.3. Except as permitted in this Bylaw or by the CAO, no person except County personnel shall dig, open a Grave Lot or Niche or close a Grave or Niche.
- a. should an applicant wish to bury cremated remains they shall be permitted the ability to do so on their own provided:
    - I. no full burial exists in the plot in question;
    - II. the site(s) has been marked by the County;
    - III. the individual to be interred was a current resident of the area, was a resident in the past, or be a member of the immediate family of the applicant;
    - IV. all required paperwork is completed, including the provision of a copy of the burial permit and/or cremation certificate;
    - V. the applicant shall not use power driven tools to dig the hole;
    - VI. the depth of the hole must allow for a minimum of 8" soil cover over the cremated remains, and may only be a maximum of 24" deep; and

VII. the hole may be a maximum of 18" in diameter.

- 7.4. All Interments shall be subject to and comply with this Bylaw, the Act, and all applicable federal and provincial Acts and regulations.
- 7.5. All applications for an Interment must be made to the CAO at least 48 hours prior to the time of Interment and shall be made during regular office hours. Saturdays, Sundays and statutory or declared holiday hours shall not be counted for the purpose of this section.
- 7.6. No Interment shall take place outside the hours of 8:00 a.m. – 3:30 p.m. or on a Saturday, Sunday or statutory holiday unless:
- a. burial is necessary to comply with the *Public Health Act, R.S.A. 2000, P – 37*, as amended; or
  - b. special circumstances exist, which in the opinion of the CAO, warrant a departure from this section.
- 7.7. Interments occurring outside the days and times set out in section 7.6 may be subject to additional fees, including a charge for overtime if Cemetery personnel are required to remain after 3:30 p.m. or to attend on a Sunday or statutory holiday.
- 7.8. Interments of more than 1 deceased human body may only be permitted in areas designated by the CAO.

## **8. INTERMENT IN A FIELD OF HONOUR**

- 8.1. The County may designate a portion or portions of any Cemetery as a Field of Honour.
- 8.2. No person shall be interred in a Field of Honour until the information specified by the CAO has been received by the CAO.
- 8.3. No person other than a Veteran or the spouse of a Veteran shall be permitted to be interred in a Field of Honour.

## **9. INTERMENT IN A GREEN BURIAL**

- 9.1. The County may designate a portion or portions of any Cemetery as a Green Burial Area.
- 9.2. No person shall be interred in a Green Burial Area until the information specified in subsection 7.2.

- 9.3. Remains intended for Green Burial shall be prepared in an environmentally conscious manner. Embalming of remains for Green Burial is prohibited.

Green Burials must be conducted in an environmentally conscious manner. Interment in a biodegradable shroud, container or casket made from natural fibre is required. Concrete vaults and liners are prohibited in Green Burial

- 9.4. Native vegetation will be permitted to flourish on graves following Green Burials. Planting vegetation in the Green Burial Area permitted only upon written consent of the CAO.

## **10. DISINTERMENT**

- 10.1. No human remains or cremated remains shall be Disinterred from a Cemetery unless the CAO has received:
- a. a written request for Disinterment which complies with the *Act* and the *Vital Statistics Act, SA 2007, c.V-4.1* as amended;
  - b. a Disinterment Permit (with the exemption of cremated remains); and
  - c. payment of all applicable fees.
- 10.2. The person requesting a Disinterment shall give complete and precise written instructions to the County. The County shall not be liable or responsible for any errors or omissions in relation to a Disinterment when the instructions provided to the County were incomplete, incorrect or lacked specificity.
- 10.3. The person requesting a Disinterment shall be responsible for all costs associated with the Disinterment.
- 10.4. No person shall Disinter a grave or niche in a Cemetery without prior written approval from the CAO.
- 10.5. No Disinterment shall be made of the first Interment from any double depth Grave Lot in which a second Interment has been made, unless the second Interment is Disinterred at the same time.
- 10.6. The County is not responsible for damage to any casket, urn or other container sustained during Disinterment.
- 10.7. A replacement casket or container may be required when Disinterring remains, the cost of which shall be payable by the person requesting Disinterment.

## **11. MONUMENTS**

- 11.1. The purchase and installation of Monuments shall be the responsibility of the Owner.**
- 11.2. No Monument shall be installed, erected or placed within any Cemetery unless the Owner has obtained a Monument Permit from the CAO.**
- 11.3. A Monument Permit shall include:**
  - a. the information specified on the form established by the CAO;**
  - b. payment of the applicable fee; and**
  - c. such other information as the CAO may reasonably request.**
- 11.4. Monument installation work may only be performed between May 1 to October 31, 8:00 a.m. – 3:30 p.m. Monday to Friday, excluding Saturdays, Sundays and statutory holidays. The person installing a Monument submit a completed Monument Permit to the County at least 7 days in advance of the installation.**
- 11.5. Green Burials are commemorated on the Green Burial Monument only; individual markers are not permitted in the Green Burial Area. Owners will be responsible for the cost of inscription on the Green Burial Monument according to the Schedule of Fees Bylaw as amended from time to time.**
- 11.6. Installation of an inscription on a communal monument will be coordinated by the CAO after Green Burials. Inscriptions will be kept to two lines indicating the name of the deceased, the year of birth, and the year the deceased passed. Inscriptions will conform to the design set by the CAO.**
- 11.7. All persons installing Monuments shall:**
  - a. not enter the Cemetery to perform work without the prior written consent of the CAO;**
  - b. submit a copy of their Workers Compensation and liability insurance coverage to the CAO;**
  - c. immediately cease work in the vicinity of a funeral until the conclusion of the service;**
  - d. remove all rubbish and surplus material as directed by the CAO, and**

- e. be responsible for any damage or injury which occurs directly or indirectly as a result of their work.
- 11.8. If the County removes any rubbish or material left by a person installing a Monument, the County will remove it and charge the person responsible for the installation a fee as specified in the Schedule of Fees Bylaw.
- 11.9. Monuments shall be made of commercial grade granite, marble, field stone, bronze or stainless steel.
- 11.10. Concrete foundations are required for all Monuments.
- 11.11. No Monument within any Cemetery shall be altered or removed without prior written approval from the CAO.
- 11.12. Any Monument that is illegally placed or does not conform to this Bylaw will be removed at the expense of the person placing the Monument. Monuments installed prior the passing of this bylaw are permitted to be replaced, repaired or refurbished to their original dimensions.
- 11.13. The County does not own any Monument placed in a Cemetery and does not have any obligation to maintain or repair Monuments.
- 11.14. All Monuments, Foundations and bases shall be confined within the boundaries of the respective Grave Lots. All Monuments shall be placed in a manner as to maintain a consistent alignment with other Monuments on adjacent lots whenever possible.
- 11.15. Where the remains of 2 persons are buried side by side in adjacent Grave Lots, a Monument which provides for the commemoration of both persons may be used instead of two separate Monuments provided the single Monument is set midway between the two Grave Lots.
- 11.16. A Flat Monument is allowed in addition to a Monument where cremated remains are interred in an occupied adult Grave Lot. The Flat Monument shall be centered below and immediately adjacent to the existing Monument and shall conform to the Monument sizes stipulated in subsection 11.17. Both Monuments shall be made of the same material.
- 11.17. Each Monument which is upright shall:
- a. be made of granite, marble, field stone, bronze or wood;
  - b. not exceed:

- I. for a single adult Grave Lot, does not exceed 122 cm (length) x 35.6 cm (width) x 182.9 cm (height);
  - II. for side by side adult Grave Lots – 233.7 cm (length) x 35.6 cm (width) x 182.9 cm (height);
- c. be on a granite base that:
- I. for a single adult Grave Lot, does not exceed 122 cm (length) x 40.6 cm (width) x 25.4 cm (height);
  - II. for side by side adult Grave Lots, does not exceed 243.8 cm (length) x 40.6 cm (width) x 25.4 cm (height);
  - III. is of the same matching stone and colour as the Monument; and
  - IV. has a maximum of 5 cm polished finish top and a smooth sawn bottom,
- d. be securely fastened to the base using either:
- I. a minimum dowel pin size of 1.3 cm diameter (dowel holes not to exceed 0.31 cm larger than the dowel diameter). Dowel pins must be not less than 15.24 cm in length, evenly extended into the Monument and Monument base; or
  - II. a commercial grade adhesive listing both the base and monument materials as acceptable uses.

11.18. Despite subsection 11.17, upright Monuments in historic sites designated on the Cemetery plot plan may be replaced based on the dimensions of the original Monument.

11.19. Each Flat Monument shall:

- a. be made of granite, marble or bronze;
- b. be centrally positioned at the head of the Grave Lot with the top surface of the Flat Monument set level with the surface of the surrounding ground;
- c. conform to one of the following measurements:
  - I. for a single Adult Grave Lot, including an attached vase, be a maximum of 91 cm (length) x 35.6 cm (width) and a minimum of 40 cm (length) x 25.4 cm (width);

- II. for side-by-side Adult Grave Lots, including an attached vase, a maximum of 142.2 cm (length) x 45.7 cm (width), and a minimum of 81.3 cm (length) x 30.5 cm (width);
- III. for a Child Grave Lot, a maximum of 91 cm (length) x 35.6 cm (width), and a minimum of 25.4 cm (length) x 25.4 cm (width);
- IV. for an Infant Grave Lot, 30.5 cm (length) x 15.2 cm (width);
- V. for a Grave Lot for cremated remains, a maximum of 35.6 cm (length) x 20.3 cm (width), and a minimum of 25.4 cm (width) x 20.3 cm (width);

11.20. If the Flat Monument is made of bronze, it shall:

- a. have the letters, numerals and ornamentation chased and buffed and shall not protrude more than 0.9 cm above the surface. Each casting shall be true and free from defects and roughness;
- b. be cast with at least 2 integral studs on the underside, the studs to be tapped or drilled to receive anchor lugs or bolts. These shall be non-corroding of a minimum diameter of 0.95 cm and of metal electrolytically similar to the Flat Monument;
- c. be installed on a granite base:
  - I. not less than 10.2 cm and not more than 13 cm in thickness;
  - II. showing a smooth surface 5 cm wide around each edge of the bronze;
  - III. having drilled holes, to accommodate the mechanical attachment of the Flat Monument with corrosion resistant, threaded bosses and washers, to be supplied by the person installing the Flat Monument; and
  - IV. having, if required, a 11.4 cm diameter drilled hole to accommodate the invertible flower vase container.

11.21. All flower vases for ground installation shall be integral to the Flat Monument and shall be:

- a. provided with a container designed to be of sufficient strength to protect the vase in an inverted position in the ground;
- b. made of a resilient, corrosion-resistant material;

- c. securely attached by non-corrosive fasteners; and
  - d. sealed at the bottom of the container except for a drainage hole no larger than 3.8 cm in diameter.
- 11.22. All Monuments installed within a Cemetery shall be subject to an inspection by the CAO.
- 11.23. All additional work to existing Monuments, including but not limited to re-surfacing, adding inscriptions, re-highlighting or repairing Monuments require prior written authorization by the CAO.
- 11.24. The CAO may arrange for the temporary removal of a Monument without the permission of the owner if, during the excavation of an adjoining Grave Lot or other works, removing the Monument is required to gain access to a Grave Lot. The County shall replace the Monument in its original position on the Grave Lot as soon as is reasonably possible. This work shall be done at the cost of the County.
- 11.25. If, in the opinion of the CAO, any Monument is found to be a hazard, and the disrepair has not been caused by Cemetery operations, the CAO may remove the Monument without permission of the owner and place it in storage. The CAO may provide the owner with 6 months' written notice requiring the monument to be repaired or replaced, at the cost of the owner, after which the County may discard the Monument.
- 11.26. If, in the opinion of the CAO, any Monument is in a state of disrepair which is detrimental to the maintenance and aesthetics of the Cemetery, and the disrepair has not been caused by Cemetery operations, the CAO may issue the owner 30 days' written notice requiring the Monument to be repaired or removed at the cost of the owner. If after 30 days the Monument has not been repaired, the CAO may remove the Monument and place it in storage for a period of 6 months, after which the Monument may be discarded.
- 11.27. Any Monument repairs shall be repaired to the satisfaction of the CAO.
- 11.28. All Monuments installed prior to the passing of this bylaw are considered exempt from the provisions of section 12 until such time that they are removed or significantly altered. Replacement monuments thereafter shall be subject to the provisions of section 12.



## **12. MAINTENANCE AND FLOWERS**

- 12.1. The County shall provide reasonable perpetual care for the Cemeteries, Grave Lots, and Niches pursuant to the Sales Contracts. The County is not responsible for care of Monuments.
- 12.2. The County is not responsible for any missing vases, flowers, or wreaths.
- 12.3. The CAO may direct the removal, without notice, of items determined by the CAO to be unsightly or a nuisance with exception to Monuments as described in subsection 11.26.
- 12.4. Cut flowers, artificial flowers, wreaths and floral offerings are only permitted on Grave Lots and Niches until they become unsightly or they become a nuisance.
- 12.5. Vases are permitted only if they are affixed securely to a Monument or Niche.
- 12.6. No person may plant vegetation, including shrubs, trees, bulbs or flowers within a Cemetery unless the person obtains the prior written approval of the CAO.
- 12.7. No person shall remove the sod from any part of the Cemetery including Grave Lots unless the person obtains the prior written approval of the CAO.
- 12.8. No person shall erect upon a Grave Lot or in a Cemetery any fence, railing, wall, stone coping, hedge or any other structure.

## **13. GENERAL RULES**

- 13.1. No person shall operate an off highway vehicle or snowmobile within a Cemetery.
- 13.2. Leashed domestic animals are allowed to attend funeral services at Cemeteries.
- 13.3. Despite section 13.2, the CAO may permit horses within a Cemetery upon written authorization.
- 13.4. No person shall disturb persons assembled for a funeral, gravesite service or visitation.
- 13.5. Any person not behaving with proper decorum within a Cemetery or who is otherwise disturbing the peace and quiet of the Cemetery may be evicted.
- 13.6. No person shall destroy, damage, alter, write on, deface, or remove any Monument, structure, railing, fence, or other work for the protection, maintenance or ornamentation of any Cemetery, Columbarium or Grave Lot, or any vehicle, building,

machinery, tool, equipment, or any other material placed or left in any Cemetery or Columbarium.

- 13.7. No person shall throw, abandon or otherwise dispose of rubbish anywhere within a Cemetery or Columbarium except in the receptacles specifically provided for that purpose by the County.
- 13.8. No person shall carry or discharge firearms in any Cemetery unless such person is participating in a military funeral and has lawful authority to bear such a firearm.
- 13.9. All persons and funeral processions in the Cemetery shall obey the instructions of the CAO.
- 13.10. No person shall drive a vehicle in a Cemetery at a speed of more than (20 km/h) and must adhere to the applicable laws in force at the time in the Province of Alberta.
- 13.11. The owner of any vehicle or any individual causing or contributing to damage to a Grave Lot, Monument, Columbarium, structure or any part of the lands or facilities shall be responsible for cost and expenses incurred by the County as a result of that damage.
- 13.12. Soliciting the sale of any commodity, advertising of any sort, or any other form of commercialized activity is prohibited, except as permitted by the County.
- 13.13. Nothing in this Bylaw relieves a person from compliance with any and all applicable Federal and Provincial laws or other bylaws of the County.

#### **14. PENALTIES**

- 14.1. Any Person who contravenes any provision of this Bylaw is guilty of an offence and is liable on conviction to pay a penalty as set out in the Schedule of Fees Bylaw.
- 14.2. A community peace officer is authorized to issue a Violation Tag to any person who the community peace officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 14.3. A Violation Tag shall be served upon such a person personally, or in the case of a corporation, by serving the Violation Tag personally upon the manager, secretary or other executive officer, or person apparently in charge of a branch office, by mailing a copy to such person by registered mail, or in the case of an individual, by leaving it with a person on the premises who has the appearance of being at least 18 years of age.

- 14.4. The Violation Tag shall be in a form approved by the CAO and shall state:**
- a. the name of the person;**
  - b. the offence;**
  - c. the appropriate penalty for the offence as specified in the Schedule of Fees Bylaw;**
  - d. that the penalty shall be paid within thirty (30) days of the issuance of the Violation Tags; and**
  - e. any other information as may be required by the CAO.**
- 14.5. Where a contravention of this Bylaw is of a continuing nature, a contravention constitutes a separate offense in respect to each day or part of a day on which it continues.**
- 14.6. Where a Violation Tag is issued pursuant to this Bylaw, the person to whom a Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the County the penalty specified on the Violation Tag.**
- 14.7. In those cases where a Violation Tag has been issued and the penalties specified on the Violation Tag have not been paid within the prescribed time, then a Community Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part 2 of the *Provincial Offences Procedure Act*, R.S.A. 2000, c.P-34, as amended.**
- 14.8. A Community Peace Officer is hereby authorized and empowered to immediately issue a Violation Ticket to any person whom the Community Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.**
- 14.9. Nothing in this Bylaw shall prevent conviction of an offence as prescribed under the Act.**

**15. GENERAL**

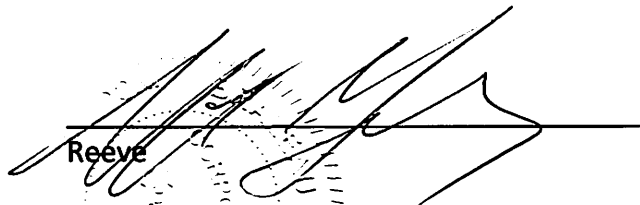
15.1. Should any provision of this Bylaw be invalid then such invalid provision shall be severed and the remaining Bylaw shall be maintained.


15.2. This Bylaw shall repeal Bylaw 1083-21 and take effect upon the final passing thereof.

**READ** a first time this 18<sup>th</sup> day of 2022.

**READ** a second time this 18<sup>th</sup> day of 2022.

**READ** a third time this 18<sup>th</sup> day of 2022.

  
\_\_\_\_\_  
Reeve

  
\_\_\_\_\_  
Interim CAO