

**City of Lacombe
Bylaw 507**

A Bylaw of the City of Lacombe, in the Province of Alberta, to Provide for the Management, Control, and Regulation of Cemeteries Operated and Maintained by the City of Lacombe.

WHEREAS, pursuant to the provision of the *Municipal Government Act*, RSA 2000, c M-26, and the regulations set forth in the *Cemeteries Act*, RSA 2000, c C-3 and the *Cemetery Act General Regulation*, Alberta Regulation 249/1998 of the Province of Alberta, the Municipal Council of the City of Lacombe deems it necessary to provide regulations and controls for the use, operation, and management of Cemeteries operated and maintained by the City of Lacombe; and

NOW, THEREFORE, the Municipal Council of the City of Lacombe duly assembled hereby enacts as follows:

1. BYLAW TITLE

1.1. The bylaw shall be referred to as the "Cemetery Bylaw".

2. SCHEDULES

2.1. Schedule "A" – Fairview Cemetery Map is attached and forms part of this Bylaw.

2.2. Schedule "B" – Schedule of Fines is attached and forms part of this Bylaw.

3. DEFINITIONS

In this Bylaw:

3.1. "Act" shall mean the *Cemeteries Act*, RSA 2000, c C-3, as amended.

3.2. "Base" shall mean an optional bottom portion of a Monument that rests between the Monument and Foundation and is made of granite and/or marble.

3.3. "Burial" shall mean the Interment of human remains or cremated human remains in a Grave.

3.4. "Burial Permit" shall mean the legal document issued by Vital Statistics authorizing the final disposition of human remains in the Province of Alberta.

3.5. "Cemetery" shall mean land in the City of Lacombe owned and operated in accordance with the Act by and under the control of the City. Also known as "Fairview Cemetery".

3.6. "CAO" shall mean the Chief Administrative Officer of the City of Lacombe.

3.7. "City" shall mean the Municipality of the City of Lacombe.

3.8. "Columbarium" shall mean a secure structure containing Niches for the storage of cremated human remains.

3.9. "Concrete Runner" shall mean an uninterrupted length of concrete Foundation on which Monuments may be placed.

3.10. "Council" shall mean the Municipal Council of the City of Lacombe.

3.11. "County Resident" shall mean a person who, at the time of Plot or Niche purchase, or at the time of death, did reside in or was paying taxes to Lacombe County.

3.12. "Cremation Plot" shall mean a Grave used for the Interment of cremated human remains.

3.13. "Deed" shall mean a legal document by which the City conveys a Cemetery Plot or Niche for the purpose of Interment, which shows the name of the Purchaser, date of

purchase, amount of the sale, amount to be deposited to the Perpetual Care Reserve – Cemetery, and Plot or Niche designation.

- 3.14. "Designate" shall mean any person authorized or assigned by the CAO, and employed by the City, to carry out the duties of the CAO as outlined in this Bylaw.
- 3.15. "Disinter and Reinter Permit" shall mean the legal document issued by the Registrar of Vital Statistics, pursuant to the *Vital Statistics Act, SA 2007, c V-4*, authorizing the removal of human remains from the place of Interment and then reinterred in the same or different location.
- 3.16. "Disinterment" shall mean the authorized removal of interred human remains or cremated human remains.
- 3.17. "Employee" shall mean an employee of the City.
- 3.18. "Fairview Cemetery" shall mean land in the City of Lacombe owned and operated in accordance with the Act by and under the control of the City. Also known as the "Cemetery".
- 3.19. "Fairview Cemetery East" shall mean the expansion site of the Cemetery known as Lot 9, Block 1, Plan 102-5661, located east of Fairview Cemetery West.
- 3.20. "Fairview Cemetery West" shall mean the original Cemetery known as Lot 8, Block 1, Plan 002-4531.
- 3.21. "Field of Honour" shall mean the designated area within the Cemetery reserved only for the Interment of Veterans and a spouse.
- 3.22. "Foundation" shall mean a concrete or granite slab of specific proportions for the placement of a Base or Monument.
- 3.23. "General Regulations" shall mean the *Cemetery Act General Regulation, Alberta Regulation 249/1998* of the Province of Alberta.
- 3.24. "Grave" shall mean a Plot in the Cemetery that has been opened or used as a place for the Interment of human remains or cremated human remains.
- 3.25. "Grave Decoration" shall mean anything that is placed on a Grave or Columbarium Niche for memorial purposes and does not include Memorial Plaques and/or Monuments.
- 3.26. "Grave Liner" shall mean an unsealed outer burial receptacle, placed in the Grave to house a casket, that is capable of withstanding the weight and pressures of the earth above and surrounding the receptacle.
- 3.27. "Interment" shall mean the placement of human remains or cremated human remains into a Grave, or the placement of cremated human remains into a Niche.
- 3.28. "Memorial Plaque" shall mean an approved bronze cast plaque purchased from the City to be installed on a Niche.
- 3.29. "Monument" shall mean anything that is an upright, vertical, pillow, or flat marker, or a headstone or tombstone, that is made of commercial grade granite, marble, or bronze, supported by a Concrete Runner, Foundation or Base.
- 3.30. "Municipal Ticket" shall mean a form prescribed by the CAO or their Designate allowing for voluntary payment to the City for a fine amount established by this Bylaw.
- 3.31. "Monument Permit Application" shall mean a City form completed by an authorized monument supplier and submitted to the City for approval prior to the installation of a Monument.
- 3.32. "Niche" shall mean a single compartment of a Columbarium used for interring one or two urns containing cremated human remains.

- 3.33. “Non-Resident” shall mean a person who, prior to their death, or at the time of Plot or Niche purchase, was not a Resident or County Resident as defined in this Bylaw.
- 3.34. “Peace Officer” shall mean any Lacombe Police Service member, RCMP member, Community Peace Officer, or Bylaw Enforcement Officer.
- 3.35. “Perpetual Care” shall mean the upkeep of the Cemetery including the maintenance and repair of City-owned infrastructure and excludes privately-owned Monuments, Memorial Plaques, and Grave Liners, except as the City, at its sole discretion, deems appropriate.
- 3.36. “Perpetual Care Fee” shall mean the funds charged to the Purchaser for the purpose of providing Perpetual Care of the Cemetery.
- 3.37. “Perpetual Care Reserve – Cemetery” shall mean the specifically designated account of the City to hold and disperse Perpetual Care Fees designated for the funding of Perpetual Care.
- 3.38. “Plot” shall mean a specified area of land within the Cemetery sufficient to accommodate an adult burial or cremation urn(s).
- 3.39. “Pre-need Purchase” shall mean the full payment and conveyance of a Deed to the Purchaser for the future Interments into a Plot or Niche.
- 3.40. “Proof of Residency” shall mean an official documentation indicating previous residency in the City of Lacombe or Lacombe County, including, but not limited to, school records, federal or municipal taxation records, utility records, rent receipts, mortgage documents, CPP statements, Bank Statements, etc.
- 3.41. “Purchaser” shall mean the name that appears on the Deed to a Plot or Niche.
- 3.42. “Resident” shall mean a person who, at the time of Plot or Niche purchase, or at the time of death, did reside in the City of Lacombe or was a Lacombe County Resident, or who lived in the City of Lacombe or Lacombe County and/or who has family members whose plot they can be interred in. Proof of Residency may be required.
- 3.43. “Vegetation” shall mean trees, shrubs, creepers, climbers, flowers, perennials, biennials, or other growing or flowering matter.
- 3.44. “Veteran” shall mean a person who is a Veteran as defined in the *War Veterans Allowance Act* (Canada), RSC, 1985, c W-3, and the regulations under that act.
- 3.45. “Violation Ticket” shall mean a violation ticket as defined in the *Provincial Offenses Procedure Act*, RSA 2000, c P-34.
- 3.46. “Working Hours” shall mean regular hours of work for City maintenance workers, defined as 7:00 a.m. to 4:00 p.m. Monday through Friday, excluding Civic and Statutory Holidays.

4. DESCRIPTION OF LAND

- 4.1. The following land is hereby established and set apart for the sole purpose of a public cemetery to be known as the Fairview Cemetery:
 - a. Lot 8, Block 1, Plan 002-4531 containing 17.77 acres more or less; and
 - b. Lot 9, Block 1, Plan 102-5661, containing 20 acres more or less (all or portion thereof subject to any subsequent plans of subdivision for such lands).
- 4.2. In addition to the lands described above, the City may, from time to time, designate certain other lands, whether adjoining or abutting the said lands, for Cemetery purposes in accordance with the *Cemetery Act General Regulation*, Alberta Regulation 249/1998 of the Province of Alberta, and these lands shall be managed, regulated, and controlled by this Bylaw.

- 4.3. The plans of subdivision of the lands made available by the City for Burial purposes now on record in the office of the CAO, together with all subsequent plans of subdivision of such lands approved by the Council, shall be the plans of the Cemetery herein referred to, and all Interments shall be made and records kept by the CAO in accordance with such plans.

5. DUTIES, RIGHTS, AND POWERS OF THE CHIEF ADMINISTRATIVE OFFICER

- 5.1. The CAO shall have charge of the Cemetery and shall exercise control over all Employees employed therein.
- 5.2. The CAO may delegate any or all powers of this Bylaw to a Designate.
- 5.3. The CAO may establish any procedures relating to Interments and Disinterment in the Cemetery subject to the provisions of the Act and General Regulations and the *Vital Statistics Act*.
- 5.4. It shall be the duty of the CAO to have Plots and/or Niches always available for the Interment of human remains or cremated human remains.
- 5.5. The CAO shall establish rates to be charged for the sale of Plots and Niches, Perpetual Care Fees, as well as all services provided in relation to Interment and Disinterment in the Cemetery.
- 5.6. The CAO shall determine the procedures respecting the sale of Plots or Niches, and the location and extent of all Plots and Niches offered for sale or sold to the public.
- 5.7. The CAO shall be responsible for the collection of fees and charges in connection with the Cemetery.
- 5.8. The CAO shall be responsible for the keeping of necessary records which shall include the location and name of Purchaser for each Plot or Niche, the name and location of every Interment and Disinterment, and the collection of fees and charges in connection to the Cemetery
- 5.9. The CAO shall have the authority to designate a Non-Resident person as a Resident if that person, at the time they purchase a Plot or Niche or at the time of death, resides elsewhere in an institution such as senior's housing, care facility, or student housing, but who was a resident of the City of Lacombe or Lacombe County before residing in said institution.
- 5.10. The CAO shall have the right to review and approve the design and installation method of any proposed Monument before it is erected in the Cemetery and shall establish installation requirements and other standards for Monuments, including their size, material, and construction.

6. PLOTS AND NICHES

- 6.1. No Plot or Niche shall be used for any purpose other than the Interment of human remains or cremated human remains.
- 6.2. The CAO shall make available Plots in the Cemetery for the Interment of unclaimed remains of deceased persons and remains of destitute or indigent persons, in accordance with the Act and General Regulations.
- 6.3. The CAO shall, upon payment of the full amount owing of any Plot or Niche by any person, furnish such person with a Deed and receipt for the sum paid including the name of the Purchaser, date of purchase, amount of the sale, amount to be deposited to the Perpetual Care Reserve – Cemetery, and Plot or Niche designation.
- 6.4. No person, other than the CAO or Designate, shall sell, assign, exchange, transfer or subdivide any Plot or Niche. Plot and/or Niche Deeds may be transferred from one family member to another, but no transfer shall be valid unless such transfer is registered with the City.

- 6.5. No person shall accept any fee or reward for the Interment of any body in a Plot or Niche of which such person is the Purchaser, or over which they exercise any power of control.
- 6.6. Plots purchased for a Veteran shall be charged at half of the regular Plot price.
- 6.7. The City shall buy back any unwanted and unused Plot or Niche at 85% of the current price of the Plot and/or Niche.
- 6.8. As a condition of sale of every Plot and Niche, Purchasers expressly waive any claim arising from any error caused by the City Employees or operations providing that it was not reasonably possible to avoid such error. The City's liability shall only extend to a refund of any money paid to the City for a Plot and/or Niche providing that the Plot and/or Niche suggested as an alternative is/are not acceptable to the Purchaser.
- 6.9. The City shall not be liable for any loss or damage to the contents of Niches or Graves from causes beyond its control whether resulting from damage caused by the elements, an act of God, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots, an act of war, or other damage howsoever caused.

7. FIELD OF HONOUR

- 7.1. The City shall set aside and maintain an area in the Cemetery which shall be known as the "Field of Honour", and which shall be reserved for the Interment of only Veterans and a spouse.
- 7.2. The person(s) arranging for the Interment of a spouse in the "Field of Honour", when said spouse is not a Veteran, is required to pay full price for the plot.

8. PERPETUAL CARE

- 8.1. A Perpetual Care Fee shall be collected from the Purchaser at the time of purchase of all Plots and Niches.
- 8.2. Interest from the Perpetual Care Reserve – Cemetery shall be used for maintenance of the Cemetery as determined by the CAO.
- 8.3. The City shall refund 85% of the Perpetual Care Fee, paid by the Purchaser at the time of a Plot or Niche purchase, when a Plot or Niche is sold back to the City.

9. INTERMENTS AND DISINTERMENTS

- 9.1. All Interments and Disinterment within the limits of the Cemetery shall be under the supervision and control of the CAO, subject to the provisions of the Act and General Regulations.
- 9.2. Any Disinterment in the Cemetery must be conducted under the supervision of a licensed funeral director.
- 9.3. No Interment shall be permitted in the Cemetery until an approved Burial Permit is on file with the City.
- 9.4. Interment will not be permitted in Cemetery Sections A, B, C, D, E and F, as per Schedule "A" – Fairview Cemetery Map, where written records are not sufficiently accurate to confirm ownership and/or occupancy.
- 9.5. No Disinterment shall be permitted in the Cemetery until an approved Disinter and Reinter Permit is on file with the City.
- 9.6. No Interment or Disinterment services shall be held on Good Friday, Easter Monday, Remembrance Day, Christmas Day, Boxing Day, and New Year's Day.

- 9.7. Overtime charges shall be incurred for Interment or Disinterment services performed after Working Hours, and all day on Saturdays, Sundays, and holidays not listed in Section 9.6.

10. MONUMENTS, MEMORIAL PLAQUES, and GRAVE DECORATIONS

- 10.1. No Monument installation, removal, and/or alteration shall be permitted in the Cemetery until an approved Monument Permit Application is on file with the City.
- 10.2. Monuments placed in the Cemetery shall be at the Monument owner's risk and the City assumes no responsibility for damage or loss due caused by the elements, an act of God, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections riots, or an act of war, or other damage howsoever caused. It is the owner's responsibility to contact an insurance agent to discuss the possible coverage.
- 10.3. No Monument shall be installed, removed, and/or altered between November 1st and April 30th of each year.
- 10.4. All persons employed in the installation, removal, and/or alteration of Monuments in the Cemetery, whether City Employees or not, shall be subject to the direction and control of the CAO.
- 10.5. The City shall remove and dispose of any Monument placed in the Cemetery if such Monument falls into disrepair and/or becomes unsightly.
- a. The City shall forward written notification to the last known address of the owner of the Monument 30 days prior to undertaking the actions noted in this Section.
 - b. Where the owner of a Monument neglects to make the required repairs or alterations to a Monument within 30 days after the issuance of written notice, the City shall repair or remove such Monument and charge the cost thereof to the owner or heirs of the Monument, which may be recovered as a debt from the owner to the City. In the event that no heirs to the owner exist or are living to pay the debt, the Monument shall be removed and disposed of.
- 10.6. No Memorial Plaque or Grave Decoration shall be affixed to a Columbarium Niche by any persons except persons contracted or employed by the City. Any Memorial Plaques or Grave Decorations affixed by a person not contracted or employed by the City shall be removed by the City.
- 10.7. Excepting Section 10.9, no person shall place any Grave Decorations on or at a Plot or Niche at any time, including but not limited to Grave covers, foot markers, statues, fencing, plants, lawn ornaments, solar lights, toys, and loose vases. Any items so placed may be removed by the City without notice and disposed of without any holding period.
- 10.8. No person shall plant any Vegetation anywhere in the Cemetery except persons contracted or employed by the City. Any Vegetation planted by a person not contracted or employed by the City shall be removed by the City.
- 10.9. Flowers and other funeral floral arrangements may be placed on a Grave or at the base of a Columbarium as a Grave Decoration under the following conditions:
- a. Flowers and funeral floral arrangements may be in place for up to seven (7) days after Interment, after which the City may remove and dispose of the item(s) immediately.
 - b. Flowers may be placed at a Grave or Niche at any time if held in a metal or stone vase affixed to an approved Monument or Niche; vases no longer affixed may be removed by the City without notice and disposed of without a holding period.

11. VISITORS

- 11.1. Gatherings permitted in the Cemetery are limited to funerals, graveside or remembrance ceremonies; and, with the written consent of the CAO, gatherings for historical, educational, and/or spiritual purposes.
- 11.2. Under no circumstances may a party or other unscheduled gathering occur in the Cemetery.
- 11.3. No person other than an Employee or contractor under the direction of the City shall enter or remain in the Cemetery between the hours of 11:00PM and 7:00AM.
- 11.4. No person shall solicit business or distribute business cards or place an advertising trademark on any Monument or anything within the Cemetery boundaries.
- 11.5. No person shall disturb the quiet and good order of the Cemetery by noise or any other improper conduct including, but not limited to:
 - a. Willfully and unlawfully disturbing persons assembled for an Interment;
 - b. Committing any willful damage to the Cemetery's landscape, sod, trees, shrubs, flowers, plants, Monuments, Niches, Grave Decorations, buildings, structures, fences, railings, ornaments or any other ornament of the Cemetery.
- 11.6. The CAO may prohibit the driving of vehicles in any part of the Cemetery.
- 11.7. No vehicle in the Cemetery shall travel at a speed greater than 20 kilometres per hour.
- 11.8. Vehicles in the Cemetery shall be restricted to travelling on roadways only. Service vehicles will be permitted off the roadways when providing the necessary services of the Cemetery.
- 11.9. The owner of any moving vehicle shall be responsible for any damage done by such vehicle while within the boundaries of the Cemetery.
- 11.10. Unless authorized by the CAO, no horse shall be allowed in the Cemetery except when it is part of a funeral procession.
- 11.11. A Peace Officer may evict any person(s) contravening this Section or of any part of this Bylaw from the Cemetery, in addition to applying any other remedy provided for in this Bylaw.

12. PENALTY

- 12.1. Any person who fails to comply with or breaches any provision of this Bylaw is guilty of an offense and liable upon summary conviction to a mandatory penalty in the amount specified in Schedule "B".
- 12.2. For any offence for which there is no penalty specified, a penalty of no less than \$200 and not more than \$10,000 shall be levied.
- 12.3. For any person who commits a second or subsequent offence under this Bylaw within 12 months of committing a first offence under this Bylaw is subject to an increased fine as set out in Schedule "B".
- 12.4. For an offence that continues, each contravention constitutes a separate offence for each day or part of day on which it continues. Any person guilty of such an offense is liable to a fine in an amount not less than that established by this Bylaw for each such offence.
- 12.5. A Peace Officer who has reasonable grounds to believe that a person has contravened any provision of this Bylaw, may issue and serve upon the person:
 - a. A Municipal Ticket allowing payment of the specified penalty as set out in Schedule "B" of this Bylaw to the City. Such payment will be accepted by the City, on or before the specified date in the Municipal Ticket, at the Lacombe City Hall located at 5432 - 56 Avenue, Lacombe, Alberta T4L 1E9, in lieu of prosecution for

the offence. Should payment of the specified penalty not be made to the City within the time specified on the Municipal Ticket, a Violation Ticket may be issued and served upon the person.

- b. A Violation Ticket, which may allow for
 - I. the voluntary payment of the specified penalty for the offence as set out in Schedule "B" of this Bylaw, or
 - II. require a person to appear in court without the alternative of making a voluntary payment. A person who enters a guilty plea or is found guilty of an offence under this Bylaw is liable to a fine in an amount not less than that specified in this Bylaw and not exceeding \$10,000.00, and liable to imprisonment for not more than six (6) months for non-payment of the fine.

12.6. Nothing in Section 12 prevents a Peace Office from issuing a Violation Ticket without having first issued a Municipal Ticket.

13. EFFECTIVE DATE

13.1. This Bylaw shall come into force and effect when it receives third reading and is duly signed.

14. SEVERABILITY

14.1. If any portion of this Bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the bylaw is deemed valid.

15. REPEAL OF BYLAW 356, BYLAW 356.1, and BYLAW 356.2

15.1. Bylaw 356, Bylaw 356.1, and Bylaw 356.2 are hereby repealed.

INTRODUCED AND GIVEN FIRST READING THIS 14th day of November, 2023.

GIVEN SECOND READING THIS 11th day of December, 2023.

GIVEN THIRD AND FINAL READING THIS 11th day of December, 2023.

Original Signed

Mayor

Original Signed

Chief Administrative Officer

City of Lacombe Bylaw 507
Schedule A – Fairview Cemetery Map



City of Lacombe Bylaw 507 Schedule B

DESCRIPTION	SECTION	1st offence	2nd offence	3rd offence and Subsequent offences
SECTION 11				
Soliciting business or advertising in Cemetery	11.4	\$1,000	\$2,000	\$3,000