

BYLAW 2710/G/24

BEING A BYLAW OF THE TOWN OF STONY PLAIN IN THE PROVINCE OF ALBERTA TO REGULATE THE OPERATION AND USE OF A CEMETERY IN THE TOWN OF STONY PLAIN.

WHEREAS, the *Municipal Government Act*, RSA 2000, c. M-26, and amendments thereto, authorizes Council to promote the safety, health and welfare of people and the protection of people and property, activities and things in, on or near a place that is open to the public; nuisances, including unsightly property; and services provided by or on behalf of the municipality; and

WHEREAS, the *Municipal Government Act*, RSA 2000, c. M-26, and amendments thereto, authorizes a municipality to regulate the operation of a Cemetery; and

WHEREAS, Council may, pursuant to the *Cemeteries Act*, RSA 2000, c. C-3, and amendments thereto, pass bylaws respecting the organization, operation and management of cemeteries; and

WHEREAS, Council desires to establish a bylaw governing the municipal Cemetery;

NOW THEREFORE, the Council of the Town of Stony Plain, in the province of Alberta, duly assembled, hereby enacts as follows:

1.0.0 Title

1.1.0 This bylaw may be cited as the “Cemetery Bylaw”.

2.0.0 Definitions

2.1.0 “Act” means the *Cemeteries Act*, R.S.A. 2000, C-3, and amendments thereto.

2.2.0 “At-Need” means the purchase of an Interment Right to use for a death that has occurred.

2.3.0 “Burial Permit” means a Burial Permit issued under the *Vital Statistics Act*, S.A. 2007, c V-4.1, and amendments thereto.

2.4.0 “Burial Plot” means a plot as shown on the Cemetery plot plan in the Town’s records, suitable for the Interment of human remains.

2.5.0 “Cemetery” means the Stony Plain Cemetery owned and operated by the Town of Stony Plain and any other land owned and operated by the Town that is set apart or used as a place for the burial of deceased human bodies or other human remains or in which deceased human bodies or other human remains are buried.

2.6.0 “Cemetery Procedure” means the guidelines and regulations of the operations of the Cemetery as prescribed by the Director.

2.7.0 “Cremation Plot” means a plot as shown on the Cemetery plot plan in the Town’s records, suitable for the Interment of cremated human remains.

2.8.0 “Columbarium” means a secure structure containing Niches for the placement of Cremated Remains.

2.9.0 “Contracted Services” means contractors authorized by the Town to complete designated services.

2.10.0 “Council” means the municipal Council of the Town of Stony Plain.

2.11.0 “Cremated Remains” means the remains of a deceased person after cremation of a deceased human body.

2.12.0 “Director” means the Town’s Chief Administrative Officer or designate.

2.13.0 “Disinterment” means the authorized removal of human remains or Cremated Remains from a Cemetery.

2.14.0 “Exhumation” means the exposure and removal of interred human remains for the purposes of

viewing or examination.

- 2.15.0 “Family Columbarium” means a secure structure purchased by and for one family containing Niches for the placement of Cremated Remains.
- 2.16.0 “Flat Marker” means a Monument set flush with the ground, constructed of stone, that identifies the interred person.
- 2.17.0 “Foundation” means a concrete or granite slab of specific proportion for the placement of a Monument or a Flat Marker.
- 2.18.0 “Green Burial” means the irreversible deposit of the remains of a deceased person in a Green Burial area within the Cemetery where such remains are not embalmed, the casket and/or Shroud are biodegradable, and the Memorial is a plaque on a Group Monument.
- 2.19.0 “Group Monument” means a Monument constructed by the Town on which medallions are placed by the Town for memorialization of Interments in Green Burial Plots and Scattering gardens.
- 2.20.0 “Inscription” means an engraving of text or design on a Monument or Flat Marker, or on a medallion that is placed on a Group Monument or Niche Cover that is in keeping with the dignity of the Cemetery as determined by the Director.
- 2.21.0 “Interment” means, in a manner prescribed by the Act and this bylaw, placing human remains in a suitable container or covering underground, or Cremated Remains underground or in a suitable container underground or within a Niche in the Cemetery.
- 2.22.0 “Interment Right” means any purchased right to a Burial Plot, Green Burial Plot, Family Columbarium plot, Cremation Plot, or Niche and any associated right to have the Town:
- a) Open, prepare and close a Burial Plot, Cremation Plot, or Niche for Interment purposes;
 - b) Prepare a plot, Cremation Plot, or Niche for Disinterment; and
 - c) Approve the installation and Inscription of a Monument, Flat Marker, or medallion to be placed on a Group Monument or Niche Cover.
- 2.23.0 “Interment Rights Holder” means the person who has purchased the rights to a Burial Plot, Green Burial Plot, Family Columbarium plot, Cremation Plot, or Niche, or their successor.
- 2.24.0 “Memorial” means all engraved stone or metal features (Monuments, Flat Markers, and medallions for Niche Covers and Group Monuments) that are set on a burial plot, Niche Cover, or Group Monument and used to memorialize a deceased person.
- 2.25.0 “Memorial Permit” means a permit issued by the Town to authorize the Inscription and installation of a Flat Marker, Monument, or medallion, based on information provided to the Town.
- 2.26.0 “Monument” means any structure constructed of commercial grade granite that extends above or is placed level with the ground as outlined within the Cemetery Procedure to support memorialization of the interred person.
- 2.27.0 “Niche” means a space in a Columbarium that can hold up to two urns containing Cremated Remains.
- 2.28.0 “Niche Cover” means the front opening face of a Niche on which a medallion with Memorial information is placed.
- 2.29.0 “Pre-Need” means the purchase of an Interment Right in advance of a death occurring.
- 2.30.0 “Scattering” means the irreversible dispersal of Cremated Remains in a defined area or feature within the Cemetery where such dispersal may result in mixing with Cremated Remains previously scattered in the Scattering location.
- 2.31.0 “Shroud” means a cloth of cotton or other natural fibre used to wrap human remains for burial.
- 2.32.0 “Town” means the Town of Stony Plain.
- 2.33.0 “Veterans Area” means that portion of the Cemetery set aside for Interment of veterans as defined in the *War Veterans Allowance Act* (Canada) and the regulations under that Act.

3.0.0 Location of Cemetery

- 3.1.0 The following land is hereby established and set apart for the sole purpose of a public Cemetery to be known as Stony Plain Cemetery - Plan 212 1323 Block 1 Lot 2 within SW ¼ Sec. 35-52-1-W5M, as outlined in Schedule A in accordance with and subject to the provisions of this bylaw.

4.0.0 Cemetery Operations

- 4.1.0 The operation of the Cemetery will be in accordance with all policies, procedures, and regulations established by Council and in accordance with the *Cemeteries Act*.
- a) Additional detail on operations is contained in the Cemetery Procedures.
- 4.2.0 The Director shall have control over the operation, supervision, and administration of the Cemetery, and by exercising such control shall be responsible for:
- a) designating, selling the rights to, and assigning plots, Niches, and Scattering areas in the Cemetery;
- b) making and keeping of all records required by law and such other records as may be ordered by Council;
- c) collection of all fees and charges in connection therewith;
- d) directing the manner in which Interment shall proceed;
- e) overseeing the general maintenance of the Cemetery;
- f) conducting Interments; and
- g) enforcing all rules and regulations pertaining to the Cemetery.
- 4.3.0 Only persons under the control and supervision of the Director shall open any burial or Cremation Plot for a burial of, or the removal of, a deceased body or the Cremated Remains of a deceased body.
- 4.4.0 A Veterans Area, with Burial Plots, Cremation Plots, Columbarium Niches, and a Scattering area, is defined near the Cemetery entry.

5.0.0 Interment Rights

- 5.1.0 Each purchaser of Interment Rights shall execute a purchase contract and receive a Certificate of Purchase detailing the nature of the person's Interment Rights.
- 5.2.0 No Interment shall be permitted in the Cemetery unless, and until:
- a) a Certificate of Purchase has been produced and shown to the Director,
- b) the Director is presented 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.
- 5.3.0 An Interment Right in the Green Burial area may be purchased on an At-Need or Pre-Need basis.
- a) A Pre-Need purchase shall acquire a right to be interred in the Green Burial area but shall not acquire an Interment Right to a specific plot.
- b) Plot assignment shall only be made at the time a plot is required for an Interment.
- c) Planting on Green Burial Plots shall be determined and conducted by the Director.
- d) Interments of Cremated Remains are not permitted within a Green Burial Plot.

6.0.0 Interment

- 6.1.0 A minimum notice, as prescribed in the Cemetery Procedure, shall be given to the Director prior to the date and time set for an Interment.
- a) Saturdays, Sundays, and statutory or declared holidays are not counted for the purposes of determining notice.
- 6.2.0 Interments may be performed in the Cemetery during the hours prescribed by the Director.
- 6.3.0 A Burial Plot, except for a Green Burial Plot, may contain:
- a) the remains of two individuals in caskets one above the other; or
- b) one casket burial and up to six (6) sets of Cremated Remains, in which case the casket must be interred prior to any cremation Interments; or
- c) up to six (6) sets of Cremated Remains.

- 6.4.0 A Burial Plot or a Green Burial Plot can contain the remains of a parent and an infant child, as defined in the Cemetery Procedure, placed in the same casket if interred at the same time.
- 6.5.0 The plots in the Cemetery will have the following dimensions:
- a) Burial Plot in area allowing upright Monuments - 1200 mm x 3000 mm (4 ft. x 10 ft.);
 - b) Burial Plots allowing only Flat Markers and Green Burial Plot - 1200 mm x 2400 mm (4 ft. x 8 ft.);
 - c) Cremation Plot 600 mm x 900 mm (2 ft. x 3 ft.).
- 6.6.0 No more than two (2) sets of Cremated Remains shall be interred in a Cremation Plot.
- a) Double Interments in Cremation Plots shall be placed side by side.
- 6.7.0 No more than two (2) sets of Cremated Remains shall be placed in a Niche.
- 6.8.0 Cremated Remains may be interred in any Burial Plot, with the exception of a Green Burial Plot, where the Interment Rights Holder and the Director give permission for such Interment in that plot.
- 6.9.0 The Interment Rights Holder is responsible for ensuring that the urn used for Interment in the Columbarium will fit within the Niche.
- 6.10.0 Each casket or Shroud Interment in the Cemetery shall provide a minimum of one (1) metre of earth between the general surface level of the ground at the Burial Plot and the upper surface of the casket or Shroud that is interred.
- 6.11.0 Liners or vaults made of concrete, fiberglass, or another material are not permitted in the Cemetery.
- 6.12.0 Specific locations are designated within the Cemetery Procedure for Scattering of Cremated Remains.
- 6.12.1 The Interment of Cremated Remains by Scattering shall be performed or supervised by the Director.
 - 6.12.2 The Scattering of Cremated Remains on the ground surface in any location of the Cemetery is prohibited.
 - 6.12.3 Scattering of Cremated Remains shall be considered non-recoverable from the date of Interment and the Town shall have no obligation and shall have no means to recover scattered Cremated Remains.
- 6.13.0 A Green Burial Plot may contain only one set of human remains, with the allowable exception of a parent and infant child interred at the same time. Human remains proposed for Interment in a Green Burial Plot shall:
- a) not be embalmed;
 - b) be clothed, wrapped or Shrouded in natural and fully biodegradable fibers or materials, and placed on a rigid base that permits the dignified transport and safe handling of the remains by all persons so charged; or
 - c) be enclosed in a biodegradable and environmentally sustainable casket or alternative container that is approved by the Director.
- 6.14.0 The Town shall have the right to use such equipment, materials, and contracted services for set-up at the Burial Plot as deemed necessary to protect the safety of persons attending an Interment service, and Town personnel, and to permit the safe and dignified Interment of human remains into a plot and closing of the plot.
- 6.15.0 The Town makes no warranty of protection nor bears any liability for the aesthetic, structural, or physical impacts made to a casket or alternative container and the enclosed human remains that may arise from the Interment process.

7.0.0 Memorials

7.1.0 Authorization:

- a) All Memorials shall be set in accordance with the Cemetery Bylaw and Cemetery Procedure.
- b) Improper or unapproved Memorials will be removed without further notice.

7.2.0 Regulations:

- a) The permitted sizes of Memorials are set forth in this bylaw and the Cemetery Procedure.
- b) The Director reserves the right at all times to approve and prescribe the size, design, symbolism, craftsmanship, quality, number, and material of Memorials placed in the Cemetery as outlined in the Cemetery Procedure.
- c) Memorials shall be installed to the specifications in the Cemetery Procedure.

7.3.0 Material Specifications:

- a) Flat Markers and Monuments shall be constructed entirely of granite, unless otherwise approved by the Director in alignment with the Cemetery Procedure.
- b) The Foundations may be constructed of granite or concrete.
- c) Vases and other protruding ornamentation shall not be mounted on a Flat Marker, Monument, or any Columbarium.
- d) Family Columbaria will be as outlined in the Cemetery Procedure.

7.4.0 Approval:

- a) No person shall erect a Flat Marker, Monument or Family Columbarium in the Cemetery until a Memorial Permit approving the design, description, and size thereof has been issued by the Director.
- b) The Director may refuse consent if such Flat Marker, Monument, or Family Columbarium is, in the opinion of the Director, inconsistent with the general appearance of the Cemetery or not in good taste.

7.5.0 Installation:

- a) The Director shall approve the location and orientation of Flat Markers and Monuments prior to installation.
- b) Flat Markers and Monuments shall be installed in the Cemetery at the Interment Rights holder's expense.
- c) Flat Markers and Monuments shall be placed within the burial or Cremation Plot in the location approved by the Director with no part of the Foundation, marker, or Monument extending beyond the edge of the plot.
- d) The allowable limits for the number of Monuments and Flat Markers allowed on burial and Cremation Plots are outlined within the Cemetery Procedure.
- e) Round metal medallions will be provided by the Town for placement on Columbarium Niches and on group Monuments for Green Burial and Scattering gardens.
- f) All construction and installation of Flat Markers, Monuments, and Family Columbaria shall be done by workers approved by the Director, before any such work is undertaken.

7.6.0 Burial Plot Identification:

- a) No temporary sign, identification, or marking of any description, except as provided by the funeral home or the Director, shall be permitted on any plot, Niche, or Group Monument in the Cemetery.
- b) An identification sign placed by a funeral home on the Burial Plot is the only approved temporary sign allowed. It will be removed as outlined in the Cemetery Procedure.

7.7.0 Removal, Alteration, Additions:

- a) No Flat Markers, Monuments, Group Monuments, or medallions shall be disturbed or removed without the Director's written permission.
- b) The Director may, without notification, temporarily move or permanently reposition any Flat Marker, Monument, or Family Columbarium to protect it from damage or to ensure compliance with any parts of this bylaw.
- c) Where it may be determined that a Flat Marker or Monument does not comply with this bylaw or the procedures in design or installation, the non-compliant marker may, without prior notice, be moved, reinstalled, or permanently removed and placed in safekeeping at the expense of the Interment Rights Holder.

7.8.0 Repair:

- a) The Interment Rights Holder is responsible to maintain, repair, or replace any Flat Marker or Monument placed on a plot.
- b) The Director will notify the Interment Rights Holder when a Memorial requires repair or replacement.

- c) The Town shall not be held liable for, nor be obliged to repair, any loss, theft, breakage, or damage of any Memorial in the Cemetery, except as shall arise as the result of the carelessness or negligence of Town personnel, or Town-authorized contracted services.
- d) Any Flat Marker or Monument that fails to be repaired or replaced upon written request by the Director shall be retained in the custody of the Director until such time as outlined within the Cemetery Procedure.

7.9.0 Safety:

- a) Any Monument that is tilting or leaning is a safety concern.
- b) The Director will attempt to contact the Interment Rights Holder and relevel the Monument. If any damage is done to the Monument by the attempt to relevel, the Director shall not be deemed responsible.
- c) If there is any Monument that cannot be leveled and is deemed unsafe, the Interment Rights Holder will be notified to arrange to fix the Monument stance.
- d) If the Interment Rights Holder is inaccessible, or does not take timely action, the Monument may be removed by the Director due to the safety concern.
- e) The Director is not responsible for any costs incurred by any Interment Rights Holder or otherwise, as a result of the Director disposing of the Marker, Monument or any other article.

7.10.0 Work Times:

- a) Flat Markers and Monuments may only be erected during hours as prescribed by the Director.

8.0.0 Ornamentation

- 8.1.0 Ornamentation on Burial Plots, Green Burial Plots, Cremation Plots, group Monuments, and columbaria shall be in accordance with the Cemetery Procedure.
- 8.2.0 No person shall plant, install, or maintain any alternative landscaping or features such as trees, plants, shrubs, flowers, fences, roping, hedges, paving, curbs, railings, trellis, arbour, or hooks of any kind on or adjacent to a burial or cremation plot, Monument, Group Monument, Scattering area, or Columbarium in the Cemetery.
- 8.3.0 The Director may remove ornamentation, at their sole discretion, that is in contravention of this bylaw, Town policy, or Cemetery Procedure.

9.0.0 General Regulations

- 9.1.0 No person shall plant, remove, cut down, or destroy any trees, shrubs, plants, flowers, bulbs or rocks in the Cemetery except authorized employees or contracted services of the Town.
- 9.2.0 All trees and shrubs in the Cemetery and all other improvements are the property of the Town.
- 9.3.0 The care, maintenance, and improvement of all Interment plots and landscaping in the Cemetery shall only be performed by employees of the Town or authorized contracted services.
- 9.4.0 All persons and funeral processions in the Cemetery shall obey the reasonable instructions of the Director. Any person not behaving with proper decorum within the Cemetery or disturbing the peace, quiet, and good order of the Cemetery may be evicted.
- 9.5.0 No person shall solicit orders for goods or services or advertise within the Cemetery.
- 9.6.0 Dogs on leash will be allowed in the Cemetery and all other domestic animals are prohibited, unless otherwise approved by the Director.
- 9.7.0 No person shall discharge firearms, other than in regular volleys at burial services, within the Cemetery.
- 9.8.0 No person shall deposit any garbage or offensive material within the Cemetery as determined by the Director.
- 9.9.0 No person shall be in the Cemetery outside of the prescribed opening hours.

- 9.10.0 No person shall wilfully destroy, damage, violate or deface any Columbarium, Burial Plot, Memorial, fence, gate, sign, or any structure in the Cemetery or damage or destroy any Cemetery improvements. Anyone who does so shall be guilty of an infraction of this bylaw.
- 9.11.0 No vehicle, e-mobility device, or other conveyance shall travel within the Cemetery at a speed greater than ten (10) kilometres per hour. Such vehicles shall not venture beyond roads and parking areas unless such a device is designed primarily to improve accessibility for people with disabilities. Vehicle operators shall obey the directions and orders of the Director at all times.
- 9.12.0 No member of the public shall drive, ride, park, or operate any all-terrain vehicle, off-highway vehicle, or snow vehicle within the Cemetery.
- 9.13.0 The Town shall have the right to prohibit the entry of any persons who do not have related business at the Cemetery or persons who do not behave in a respectful manner.
- 9.14.0 All persons walking in the Cemetery shall keep to roads and paths to the degree possible.

10.0.0 Fees

- 10.1.0 Fees for Cemetery services are defined in the Town's Fees and Charges Bylaw.

11.0.0 Cancellation of Interment Rights

- 11.1.0 Upon the application of the Interment Rights Holder to cancel their Interment Rights, the Town may redeem the Interment Rights to a plot or Niche and refund to the applicant an amount equal to 85 percent of the price originally paid for the Interment Right.

12.0.0 Transfer of Interment Rights

- 12.1.0 An Interment Rights Holder may reassign their Interment Rights as outlined within the Cemetery Procedure. The Interment Rights Holder shall make a written request to the Director for such reassignment. Upon approval by the Director and payment of a service fee, the Director shall issue a new Certificate of Purchase.

13.0.0 Disinterment

- 13.1.0 Disinterment in the Cemetery shall be done in accordance with the provisions of the *Cemetery Act*.
- 13.2.0 Disinterment shall only take place at times pre-arranged by the Director.
- 13.3.0 For human remains interred in the Green Burial area, the Town shall only perform a Disinterment or Exhumation when ordered to do so under provisions of legislation, regulation, or a court order.
- 13.4.0 The requesting institution, party, Interment Rights Holder, or any other authorized party ordering the Disinterment or Exhumation shall be responsible for the cost and fees associated with the provision of the service provided and the cost and fees related to the restoration and clean-up of all plantings and other improvements affected by the performance of the Disinterment or Exhumation.

14.0.0 Limit of Liability

- 14.1.0 The Town shall not be held liable for, nor be obliged to repair, any loss, theft, breakage, or damage of any Memorial in the Cemetery, except as shall arise as the result of the carelessness or negligence of Town personnel.
- 14.2.0 The Town, its officers, employees, servants, contractors, agents, and elected officials shall not be liable for any injury to any person or property in the Cemetery for any cause whatsoever except any loss or damage directly caused by the sole negligence of the Town, its officers, employees, servants, contractors, agents, or elected officials.
- 14.3.0 The liability of the Town, 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 Interment plots or Niches or other structures or Interment rights, shall be limited to the fees paid to the Town.

15.0.0 Violation Tickets

- 15.1.0 Any person who contravenes any provision of this bylaw is guilty of an offence by:
- doing something that is prohibited by this bylaw;
 - failing to do something that is required by this bylaw; or
 - doing something in a manner different from that which is required by this bylaw.
- 15.2.0 A person who is guilty of an offence under this bylaw is liable:
- to a fine of \$250.00; or
 - 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.
- 15.3.0 A Violation Ticket issued with respect to a contravention of this bylaw shall be served upon the person responsible for the contravention in accordance with the *Provincial Procedures Act*.
- 15.4.0 In those cases where a Municipal Violation Tag has been issued and the penalty specified on the Municipal Violation Tag has not been paid within the prescribed time, a Peace Officer is hereby authorized and empowered to issue a Violation Ticket.
- 15.5.0 Notwithstanding Section 15.4.0, the Peace Officer is authorized and empowered to immediately issue a Violation Ticket to any Person who the Peace Officer has reasonable and probable grounds to believe is responsible for a contravention of this bylaw.
- 15.6.0 Where a Violation Ticket specifies a fine amount, a voluntary payment equal to the specified payment amount may be made as directed on the Violation Ticket.

16.0.0 Severability

- 16.1.0 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.

17.0.0 Review

- 17.1.0 This bylaw shall be reviewed within its fifth year, being 2029, or as deemed necessary.

18.0.0 Effective Date

- 18.1.0 This bylaw shall take full force and effect on the date it is passed.

Read a first time this 9th day of December, AD 2024.

Read a second time this 24th day of March, AD 2025.

Read a third time this 24th day of March, AD 2025.



Mayor William Choy



Ann Laing
General Manager, Corporate Services

Schedule A:

