

TOWN OF BASSANO

BY-LAW NO. 576

BEING A BY-LAW OF THE TOWN OF BASSANO TO PROVIDE FOR THE CONTROL AND REGULATION OF THE CEMETERIES.

WHEREAS IT IS expedient to pass a By-law consolidating the existing Cemetery By-law #546 and to provide for the control and regulation of the Cemeteries in the Town of Bassano --

NOW THEREFORE The Council of the Town of Bassano enacts as follows:

1. INTERPRETATION CLAUSE

In this By-law unless the context otherwise requires:

- (a) "Caretaker" means the person placed in charge of any cemetery.
- (b) "Cemeteries" means unless the context otherwise requires, all cemeteries in the Town of Bassano operated by and under the control of the Town of Bassano.
- (c) "Town" means the Town of Bassano
- (d) "Councillors" means the Councillors of the Town of Bassano
- (e) "Committee" means the Community Services Committee of the Town of Bassano.

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- (f) "Lot" means a lot as shown on a Plan of Subdivision of record in the office of the Town of Bassano.
- (g) "Memorial Tablet" means a structure of bronze, marble or granite or other material for memorial purposes placed on any grave or lot level with the surrounding ground.
- (h) "Monument" means a structure of bronze, marble, or granite or other material which projects above the level of the surrounding ground.
- (i) "Superintendent" means the Secretary-Treasurer and Manager of the Town of Bassano and shall include, unless the context otherwise requires, any person authorized by the Secretary-Treasurer and Manager to carry out his (or her) duties.

2. DUTIES, RIGHTS AND POWERS OF THE SUPERINTENDENT

All the powers granted to the Superintendent by this By-law shall be subject to the supervision and control of the Councillors.

3. The Superintendent shall have charge of the Cemeteries and shall exercise control over all men employed therein.

4. The Superintendent shall make all sales of lots in the Cemeteries and shall receive all moneys therefor and for all interments made in the Cemeteries. He (or she) shall forthwith account to the Town of Bassano for all such moneys.

5. The Superintendent shall keep proper records and Plans of Subdivisions and each lot in the Cemeteries shall be shown numbered in such Plans of Subdivision. The records kept by the Superintendent shall show the owner of each such lot and shall record each transfer with the date thereof.

7. No trees, shrubs, plants or flowers shall be removed from any Cemetery unless permission of the Superintendent has first been obtained.

8. The Superintendent may remove from or prohibit any person placing in any Cemetery any stand, holder, vase or other receptacle for flowers or plants

or any flower pots, jars, bottles, iron or wire work or any ornaments or construction of any kind which he deems to be unsightly or otherwise unsuitable for such Cemetery. Such articles shall, if applied for, be unavailable to the owner for thirty (30) days, after which the Town's responsibility for them shall cease.

9. If, in the opinion of the Superintendent, any trees, shrubs, or plants on any lot become detrimental to adjacent lots, walks, or driveways, or prejudicial to the general appearance of the grounds, the Superintendent shall have the right to remove any such trees, shrubs, plants, or any parts thereof.

10. The Superintendent may remove from any lots any wood or grass and he may also remove any floral pieces which in his opinion have become wilted or otherwise unsightly.

11. All persons employed in the Construction of burial vaults, erection of monuments or doing other work in the Cemetery, whether employed by the Town of Bassano or not, shall be subject to the direction and control of the Superintendent.

12. The Superintendent shall have the right to remove from any Cemetery any person who disturbs the quiet or good order of such Cemetery whether by noisy or improper conduct or otherwise.

13. No person shall give or offer a bribe or gratuity to any employee of the Town of Bassano, either for services rendered or to be rendered in any Cemetery of the Town of Bassano.

14. Any Society desiring to hold a memorial service shall give the Superintendent at least ten (10) days' notice of their intention to do so.

L O T S



15. The plans of subdivision of the lands made available by the Town of Bassano for Cemetery purposes now on record in office of the Superintendent, together with all the interments shall be made and records kept in accordance with such plans. All such plans shall be open for inspection free of charge at the office of the Parks Superintendent between the hours of 9:00 A.M. and 5: P.M. on any working day except Saturdays and on Sundays and on statutory public holidays.

16. The Superintendent shall have Lots of the following prices

(By-Law #478) Single Plot - Resident	\$15.00	<i>over bid</i>
Non-Resident	25.00	
(By-Law #546) Opening & Closing Grave	40.00	<i>By-Law #546</i>
Disinterment	40.00	<i>Dec. 21/76</i>

17. No lots shall be further subdivided or altered in any manner at variance with the subdivision of such lots as shown on the plans in the office of the Superintendent.

18. Lots for burial purposes shall be sold and services in the Cemetery shall be rendered in accordance with the tariff of fees set forth in Schedule 16th of this By-Law.

19. Lots in the Cemeteries will be cared for therefore, according to Section 16 prices regarding opening, closing or disinterment.

20. The Superintendent shall, upon payment by any person of the full price of any lot, furnish such person with a receipt for the sum of the payment and a transfer shall be made in the record book of the change of name of such person or persons.

21. Whenever a lot is held by two or more persons, an order for interment in such lot or any part thereof will be accepted by the Superintendent from any one of the said persons or their personal representatives.

22. Lots in the Cemetery shall be used only for the burial of human bodies.

23. No person shall erect borders, fences, railings, copings, rails, curbs, or plant hedges, in or around any lot.

24. The Council shall have the right to remove such fences, borders, railings walls, hedges, copings and other enclosures now in existence as they may deem advisable after notice of their intention to do so has been given to the owners thereof.

25 RIGHT AND DUTIES OF LOT OWNERS

Unless permission has been obtained from the Superintendent no person shall remove, destroy, prune or otherwise interfere with any trees, shrubs, plants or flowers in any Cemetery. All trees or shrubs shall be planted only by employees of the Parks Department (Community Services Committee) under the direction of the Superintendent. Flowers and plants of a suitable character may be planted on a grave lot by the owner under the direction of the Superintendent.

26 No person shall place or deposit any glass encased wreath on any lot in the Cemetery.

27 No person shall remove any sod or earth from any portion of a Cemetery without first obtaining the consent of the Superintendent.

28 Lot owners may cultivate trees, shrubs or plants, provided such work is done with the consent of and under the supervision of the Superintendent. All earth and rubbish accumulated must be removed.

29 All grading and sodding work shall be done under the direction of the Superintendent by men employed by the Superintendent.

30 The top of lots or graves shall be kept level with the surrounding ground.

31 No person shall erect any wooden or wire trellis in any Cemetery.

32 Benches of a style approved by the Superintendent may be permitted in the Cemeteries under such conditions as the Superintendent may order.

MONUMENTS AND VAULTS

33 No monument shall be erected in the Cemeteries until the design and description thereof has been approved by the Superintendent and a permit for the erection of such monument issued, and no vault or monumental structure is in the opinion of the Superintendent, prejudicial to the general appearance of the Cemeteries or to the interest of the owner of other lots. No monument or other memorial of artificial stone shall be erected in the Cemeteries except in cases where the Town Councillors and the Superintendent of Parks are satisfied that the manufacturers and dealers in artificial stone can conform to the specifications required in the permit thereof. All specifications and amendments thereto shall be first approved by Council. The fee for a monument per mit shall be as follows -

The Tariff of Charges in connection with Municipal Cemeteries Permit Fee for the erection of a monument or marker..... \$1.00

34 No Monument shall be erected on Sundays.

35 All monuments and markers shall be controlled by the superficial area of the plot. The Face area of a monument shall not exceed 15% of the area of the lot on which it is to be erected and the length of the base shall not exceed 75% of the width of the lot; the base area of the monument shall not exceed 9% of the area of the lot. Monuments with a face area of 6 (six) square feet or less shall be not less than 8 (eight) inches in thickness.

The base of the monument shall not exceed 25% of the total height of the monument.

36 Each lot shall be marked in a book kept by the Superintendent.

37. Not more than one monument or memorial tablet shall be erected on any one plot, irrespective of its size, but one marker with a flat and level surface for each grave will be permitted, such marker to be set level with the surface of the surrounding area. Markers of individual graves shall not exceed 24 x 18 inches in superficial area and shall be not less than 4 inches in depth and be properly set in concrete according to the specifications furnished by the Superintendent.

38. All foundations or headstones shall be confined within the boundaries of the respective plots, and all headstones and monuments shall be placed in such a manner as to maintain, wherever possible, a proper alignment.

39. No corner stones or markers to indicate the boundaries of a lot or grave shall be erected as an enclosure to the plot or grave.

40. All memorial tablets and markers placed upon a plot or grave shall be of granite, marble, stone or bronze and shall not project above the surface of the ground except when erected as a headstone or monument.

41. No lot shall be covered by any slab of cement or other similar material.

42. On single graves the memorial tablet shall not exceed 24 x 14 inches.

43. On two grave plots the memorial tablet shall not exceed 36 x 18 inches.

44. On plots having space for four graves there may be placed a memorial tablet 36 x 24 inches or a memorial tablet of a type and specifications which shall be first approved by the Superintendent.

45. On plots having space for eight graves, the regulations are the same as above, except that the size of the memorial tablet may be increased to 60 inches x 36 inches.

46. The use of bronze is approved for doors and window grilles of mausoleums and other mausoleum fixtures and staturary, also for tablets when attached to monuments or markers of natural stone provided the bronze has been cast from an alloy containing not less than 85% copper and not less than 5% lead. No other metals are approved for such use unless they are substantially non-corrosive and are of proven permanency.

47. All bronze memorial tablets shall be set according to the directions of the Superintendent.

48. The Superintendent shall report to the owner any monument out of repair and it shall be the duty of the owner to repair such monument without delay.

49. Whenever the owner of an monument neglects to make the required repairs or alterations after receiving due notice from the Superintendent, he shall allow 30 days to elapse (he, being the Superintendent) after which the Superintendent shall have the power to remove such monument from the Cemetery or to repair such monument and charge the cost thereof to the owner, which may be recovered as a debt due to the Town of Bassano, by the owner.

50. Before any monument is erected, the Committee shall in all cases designate the place where the material to be used in the erection of such monument is to be placed during the course of erection or excavation, and all workmen moving any heavy material over lots and paths shall move such material on planks or by some other method which will do as little damage as possible to such lots and paths.

51. No vault shall be constructed or erected wholly or partially above ground without permission of the Superintendent and such vault shall be furnished with shelves having divisions therein allowing a separate interment to be made therein, and each such shelf shall be hermetically sealed to the satisfaction of the Medical Health Officer.

52. No work shall be done upon any monument nor shall any monument be removed from any grave lot without first obtaining the permission of the Superintendent so to do.

VISITORS

53. No child under the age of 16 years shall be admitted to any Cemetery unless accompanied by an adult person.

54. No person shall enter any portion of any Cemetery which is set apart for nursery grounds, garden or greenhouse, without first having obtained the consent of the Superintendent so to do.

VEHICLES IN THE CEMETERIES

55. No vehicle shall travel through any Cemetery at a greater rate of speed than 10 miles per hour.

56. No person shall ride or drive a bicycle in any Cemetery in the Town of Bassano.

57. No person shall ride or drive a vehicle or horse over any lot or boulevard in any Cemetery.

58. The Superintendent may prohibit the driving of vehicles in any part of any Cemetery.

GENERAL PROVISIONS ?



59. No dog shall be allowed in any Cemetery unless such dog is on a leash.

60. No person shall destroy, damage, deface or write upon any monument, tablet or other structure or object in any Cemetery.

61. All Cemeteries of the Town of Bassano will pay a reward of \$25.00 to any person for information that will lead to the conviction of any person committing a breach of this By-Law.

BURIALS

62. No burial shall be permitted in the Cemeteries unless a proper burial certificate is produced by the party applying for the burial. All applications for burial shall be made at least 48 hours before the time for interment.

63. Notices required to be given to any person under this By-Law may be given either verbally or in writing by the Town Office. If required to be in writing a notice mailed postpaid to the last known address of such person shall be deemed sufficient notice to that person.

64. No interment shall be permitted until the forms provided by the Town have been filled in and given to the Superintendent of the Cemetery. Such forms shall contain the following particulars :

- Name of deceased
- Place of birth
- Age.....years
- Latest residence
- Sex
- Date of death
- Cause of death
- Name of Funeral Director
- Nearest relative or friends
- In whose lot interment is to be made
- Time of Funeral
- Size of Casket

Location of grave by diagram, if other than single lot, and any other such information as may be deemed necessary to provide an accurate registry of same.

65. The Town of Bassano or any employee thereof shall not be responsible for any mistake resulting from lack of precise or proper instructions regarding the grave space in a lot where an interment is to be or has been made, or for any damage resulting to any person thereby.

66. Graves shall be dug and interments made only by persons employed by the Superintendent and under the direction of the Caretaker, and no person or persons not in the employment of the Superintendent shall open any grave or vault for the purpose of interring or removing a body.

67. No grave for the burial of an adult body shall be less than six (6) feet in depth from the surface of the ground surrounding the grave.

68. The body of an adult person shall not be interred in the same grave in which a body has previously been interred unless the first body has been buried at a depth of at least eight (8) feet from the surface of the ground to the bottom of the grave.

69. Where more than one body is interred in the same grave the last interment shall be at a depth of at least three (3) feet from the surface of the ground to the top of the coffin or casket enclosing such second body, and in no case shall the bodies of more than two adult persons be interred in the same grave.

70. No work shall be carried on in the immediate vicinity of any burial service in the Cemetery.

71. All funerals shall be under the supervision and control of the Superintendent while they are within any Cemetery.

72. Funeral Directors shall have all orders for interments in the Cemetery signed by the owner of the lot or grave in which such interment is to be made or by legal representatives of such owner.

73. No second interment shall be permitted in any lot in the Cemeteries on which there are unpaid charges due and payable to the Town of Bassano.

74. All persons who purchase lots in the Cemetery shall be held responsible for the cost thereof and for all charges in connection therewith. Any person signing an order for interment will be held responsible for all charges in connection with such interment. Such person shall in addition be held responsible for compliance with the regulations governing erection of monuments applicable to that part of the Cemetery in which the interment is made.

75. The Superintendent shall have the sole right and authority to erect tents, adjust lowering devices and to trim graves at all burials in the Cemetery and the person or persons ordering such work done shall supply all the necessary proper materials to perform such work.

76. No body shall be disinterred from any grave without a written order from the owner of such grave and without such owner having first produced a permit for such disinterment from the Provincial Medical Officer of Health.

77. **BURIAL OF INDIGENT POOR**
The burial of indigent poor shall be in such portions of the Cemeteries as designated by Council.

78. By order of the Mayor or Council of the Town of Bassano, the Superintendent shall furnish graves in the Cemeteries, without charge for the dead of indigent poor of any religious denomination.

PROVISIONS FOR RULES AND REGULATIONS

79. The Commissioners or Councillors may make rules and regulations not inconsistent with this By-law for the effectual carrying out of this By-law and for the efficient management, control and regulation of the Cemetery.

80 **PENALTY**

Any person who violates any of the provisions of this By-law shall be liable on summary conviction before a Police Magistrate in the Town of Bassano, or the Justice of the Peace having jurisdiction therein, to a penalty not exceeding one hundred dollars (\$100.00) or imprisonment for any term not exceeding six (6) months, or to both such fine and imprisonment.

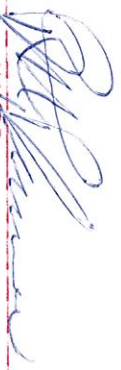
READ a FIRST time this 22nd day of May A.D. 1974

READ a SECOND time this 22nd day of May A.D. 1974

Moved by Councillor Sharp that by Unanimous Consent of the Council,

the above-mentioned By-Law #576, be read a third time. Carried.
READ a THIRD TIME this 22nd day of May A.D. 1974 and duly passed this
22nd day of May A.D. 1974.

AUDITOR
TOWN OF
BASSANO
Chartered Accountants


MAYOR


MUNICIPAL SECRETARY