

THE TOWN OF BASSANO, ALBERTA.

BY-LAW NO. 150.

A BY-LAW OF THE TOWN OF BASSANO TO PROVIDE FOR THE CONTROL AND REGULATION OF THE CEMETERY OF THE SAID TOWN.

WHEREAS pursuant to the provisions of Section 163. Sub-section 78 of "The Town Act" being chapter 2 of The Statutes of the Province of Alberta (1911-12) and amendments thereto, the Council of every Town may pass a by-law for purchasing, maintaining and controlling a cemetery outside the Town and preventing the burial of the dead within the Town.

NOW, THEREFORE, THE MUNICIPAL COUNCIL OF THE TOWN OF BASSANO, duly assembled, enacts as follows:

1. INTERPRETATION CLAUSE.

In this By-Law, unless the context otherwise requires:

- (1) "Superintendent" means the Town Overseer of the Town of Bassano.
- (2) "Secretary-Treasurer" means the Secretary-Treasurer of the Town of Bassano.
- (3) "Council" means the Municipal Council of the Town of Bassano.
- (4) "Cemetery" means the Cemetery acquired by the Town of Bassano outside the town limits thereof comprising the North West quarter of Legal Sub-division 13 of Section 16 in Township 21, Range 18, West of the fourth Meridian in the Province of Alberta, containing ten (10) acres more or less, and any other Cemetery which may hereafter come under the control of the Town of Bassano.
- (5) "Lot" means the Sub-division of land for purposes of burial in the cemetery shown on a plan of record in the office of the Secretary-Treasurer of the Town of Bassano.
- (6) "Monument" means any structure in the cemetery erected or constructed on any grave or lot for memorial purposes.

2. DUTIES OF SUPERINTENDENT.

- (1) All the powers granted to the Superintendent by this By-Law shall be subject to the supervision and control of the Council.
- (2) The Superintendent shall have charge of the cemetery and control over all men employed in connection therewith with power to hire and discharge same.
- (3) It shall be the duty of the Superintendent to keep in good order all walks, paths and driveways in the Cemetery and to cut down all weeds, grasses and such trees and shrubs or any part thereof which are, in his opinion, injurious or unsightly such after first giving due notice to the owners of lots of which, trees or shrubs may be located and to the Council of his intention to cut down same; to see that all workmen employed under him faithfully perform their work and to perform all other duties pertaining to his office as may be from time to time assigned to him.

3. DUTIES OF SECRETARY-TREASURER.

- (1) All the powers granted to the Secretary-Treasurer by this By-Law shall be subject to the supervision and control of the Council.

(2) The Secretary-Treasurer shall make all sales of lots and graves in the cemetery and shall receive all monies resulting from the sale of such lots and graves and for all interments made in the Cemetery.

(3) The Secretary-Treasurer shall furnish the Council with a written report of all interments, disinterments or removals and of all sales of lots and graves which have taken place during the month and shall keep a correct amount of all monies received therefrom and of all expenditures made in connection with the Cemetery and shall keep suitable books of record with a description of the owner thereof, and of every transfer or sale of lot with the date of each such sale or transfer and all other books necessary to keep a complete record of all business transacted by him in connection with the cemetery.

4.

LOTS.

(1) Lots for burial purposes shall be sold at prices laid down in Schedule "A" of this By-Law.

(2) All lots shall be described according to a plan of record in the office of the Secretary-Treasurer.

(3) The Secretary-Treasurer shall upon payment by any party of the full cash price of a lot furnish such party with a receipt for the sum of money paid and draw up a conveyance or transfer in favor of such party, such deed or transfer to be subject to the terms, conditions, rules, regulations set forth in this By-Law and any amendments hereto governing the Cemetery and to be executed by the Mayor and the Secretary-Treasurer of the Town of Bassano and to have the Corporate Seal of the said Town affixed thereto.

(4) Every conveyance or transfer of any lot in the Cemetery shall be subject to the condition that the Grantee, his heirs, executors, or assigns, or any of them shall not use the lot for any purpose other than as a burial ground for human bodies.

(5) No conveyance or transfer shall be recognized by the Secretary-Treasurer unless same is duly registered at the office of the Secretary-Treasurer.

(6) Upon the registration of every transfer of a lot in the Cemetery at the office of the Secretary-Treasurer the party registering the transfer shall produce at the office of the Secretary-Treasurer the original receipt for the purchase price of the said Lot.

(7) The full cash price shall accompany every application for the purchase of a lot in the Cemetery.

(8) Whenever a lot is held jointly by two or more parties an order for interment is such lot or any part thereof shall be accepted by the Secretary-Treasurer from either or any of the said parties or their heirs.

(9) No lot shall be sold for burial purposes which is not at a greater distance than three feet from the limits of any road or driveway.

(10) No party shall allow interments to be made for valuable consideration in any lot of which he is the owner or any part thereof or in any lot over which he has control.

(11) All corner stones or improvements indicating the boundaries of any lot shall be placed within the limits of such lot.

2.

SINGLE GRAVES.

(1) Any party may on payment of the price laid down in Schedule "A" of this By-Law acquire single graves in those sections of the cemetery designated for the purpose of single graves and there shall be no choice of location as all grave spaces shall be filled in regular order and sequence.

- (2) Each single grave shall be marked on the ground by a marker supplied by the Superintendent on which shall be inscribed the section and number of the grave.
- (3) Whenever the owner of a single grave shall purchase a lot in the cemetery the single grave shall revert to the Town on the removal therefrom to a lot of the remains which had been buried in such single grave, and the price paid for such single grave space shall be applied on the purchase price of the lot after deducting therefrom the usual removal charges.
- (4) Whenever the remains in a single grave are removed from the Cemetery the grave space so vacated shall revert to the Town in consideration of the cost and trouble of the removal.
- (5) No monuments or markers for the purpose of designating graves shall be allowed in the Cemetery unless such monuments or markers have first been submitted to the Superintendent and his permission for the erection of same therein has been obtained in writing.

6.

RIGHTS AND DUTIES OF LOT OWNERS.

- (1) All charges for the care of lots are due and payable to the Secretary-Treasurer on or before the first day of May in every year.
- (2) Any person who shall damage any lot, tombstone, monument or other structure in the Cemetery shall be personally responsible to the Town for such damage, besides being guilty of a breach of this By-Law.
- (3) No mounds shall be made in the Cemetery to a greater height than two inches above the surrounding ground.
- (4) No watering cans or other vessels shall be left in the Cemetery except at the storehouse.
- (5) No wooden or wire trellises shall be allowed in the Cemetery.
- (6) Benches shall be permitted on lots when the material and style of same are approved of by the Superintendent and such benches shall be properly maintained and have painted on them the word "Private" with the name of the lot and the number of the section on which they are situated.

7.

RIGHTS AND POWERS OF SUPERINTENDENT.

- (1) All materials and implements used in the performance of any work in the Cemetery shall be delivered to such place as the Superintendent shall direct and all rubbish and surplus earth shall be removed at this order.
- (2) No trees, shrubs, plants or flowers of any description shall be removed from the Cemetery unless special permission of the Superintendent is first obtained.
- (3) All materials and implements used for the performance of any work in the Cemetery shall be removed therefrom by nine P.M. on Saturday.
- (4) All vases, urns, and plant stands not properly cared for such as are not filled with plants or flowers on or before the 20th day of June in any year may be removed from the lots on which they are situated by the Superintendent and stored. If applied for by the owner within one year from the date of removal the same shall be returned.

- (5) All persons employed in the construction of burial vaults, erection of monuments or in doing any other work on the lots or graves in the Cemetery shall be subject to the direction and control of the Superintendent and in case of any such person or persons refusing to obey the orders or directions of the Superintendent, the Superintendent shall have power to remove such person or persons from the Cemetery grounds.

(6) The Superintendent, or anyone under his charge shall have power to remove from the grounds any person disturbing the quiet or good order of the Cemetery by noisy or improper conduct or language, or any person violating any of the rules or regulations of this By-Law.

(7) No person shall give money or other reward to any employee working in connection with the cemetery for their services or attention.

8.

MONUMENTS.

(1) All foundations for the erection of monuments shall be constructed by the Superintendent or some other person employed by him under his direction and supervision and all specifications for such structures shall be furnished by the Superintendent the cost thereof to be paid in advance by the grave lot owner or by the persons ordering same, such costs to be at the rate of .35¢ for each cubic foot of structure.

(2) The Superintendent shall from time to time report to the Council and owners upon the condition of any monument out of repair and it shall be the duty of the owner of such monument to repair same without delay to the satisfaction of the Superintendent.

(3) In the erection of monuments the Superintendent shall in all cases designate the place where the material to be used for the erection of such monument is to be stored during the course of erection or excavation and all workment moving any heavy material over lots and paths shall move same on planks laid across the lots or paths so as to protect such lots or paths from injury or damage.

9.

VAULTS.

(1) Foundations of all vaults or monuments shall be made as large as the bottom base or first masonry course above the ground, provided however, that the Superintendent shall in any case have the power to require a larger foundation of such size as he may deem necessary.

(2) All foundations for vaults built above ground shall be constructed under the direction of the Superintendent at the expense of the owner when no architect is employed to supervise the work and where an architect is employed the owner shall have the superintendence of the whole structure subject to the approval of the Superintendent.

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

10.

VISITORS.

(1) No children under the age of twelve years shall be admitted to the grounds of the Cemetery unless they are in charge of an adult person.

(2) No person shall enter upon any portion of the Cemetery which is set apart for nursery grounds, garden or greenhouse without having first obtained the consent of the Superintendent.

11.

VEHICLES IN THE CEMETERY.

(1) No vehicles shall pass through the grounds of the Cemetery at a speed greater than six miles per hour.

- (2) No person shall drive a vehicle on any roadway in the Cemetery less than ten feet in width.
- (3) No person shall ride a bicycle over the sections or lean same against any stonework nor leave same on any lot for any period of time.
- (4) Drivers of carriages at funerals shall remain in charge of their horses during the continuance of the funeral ceremonies at the Cemetery.
- (5) No person shall ride or drive a vehicle or horse upon or over any lot or boulevard in the Cemetery.
- (6) No horse, while within the Cemetery, shall be left unattended, or in any place where it may do injury to the Cemetery.
- (7) No vehicle shall pass a funeral procession in the Cemetery.

12.

GENERAL PROVISIONS.

- (1) No person or persons shall hold any picnic party within the Cemetery grounds.
- (2) All persons walking in the Cemetery shall keep the paths and walks.
- (3) No dog shall be allowed in the Cemetery unless under leash.
- (4) No person shall injure any shrub or tree or pick or destroy any flower, wild or cultivated, growing in the Cemetery.
- (5) No persons shall write upon, mark, scratch, deface or injure any monument, fence or structure in or around the Cemetery.

13.

BURIALS.

- (1) No burial shall be permitted in the Cemetery unless a proper burial certificate is produced by the party applying for the burial, and all applications for burials shall be made 24 hours before the time for interment.
- (2) All notices required to be given to lot owners or other parties by this By-Law may be delivered either in writing or verbally by the Superintendent or in writing mailed, postage prepaid, to the last known address of such owners or parties, and proof of such notice having been mailed properly addressed and postage prepaid or delivered by the Superintendent shall be considered sufficient proof that such notices have been given.
- (3) Any person applying for interments in the Cemetery whether as principal or undertaker shall furnish the Superintendent with such particulars as he may require for the purpose of record before such interments shall be allowed.
- (4) Whenever outer cases for coffins or caskets are used in burials such outer cases shall be at the Cemetery at least two hours before the time set for the interment so as to give a correct idea of the size of grave required and in the case of burials taking place on a Sunday or holiday such outer cases shall be at the Cemetery before noon of the day preceding such Sunday or holiday, provided that an exception may be allowed where bodies arrive in the Town by train.
- (5) All orders for Sunday or holiday burials shall reach the office of the Superintendent before 10 o'clock in the forenoon of the day preceding the such Sunday or holiday.

- (6) The Town or any official thereof shall not be responsible for any mistake resulting from lack of precise or proper instructions regarding the grave space on a lot where an interment is to be or has been made.
- (7) No person or persons not under the control or employment of the Superintendent shall open any grave or vault for the purpose of interring or removing a body without a special permit granted by the Superintendent allowing such person or persons to do so.
- (8) No grave for the burial of an adult person shall be less than six (6) feet in depth from the surface of the ground surrounding the grave.
- (9) No interment of the body of an adult person shall be permitted in the same grave where a body has 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.
- (10) Where more than one body is interred in the same grave the last interment shall be at least three (3) feet from the surface of the ground to the top surface of the coffin or casket enclosing such second body.
- (11) In no case except as hereinbefore provided shall more than two interments be allowed in the same grave.
- (12) All work in the immediate vicinity shall be discontinued during any burial service in the Cemetery.
- (13) All funerals shall be under the supervision and control of the Superintendent while they are within the limits of the Cemetery.
- (14) Undertakers 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 the legal representatives of such owner.
- (15) No interment shall be permitted in any lot in the Cemetery on which there are unpaid charges due and payable to the Town.
- (16) All persons ordering graves in the Cemetery shall be held responsible for the cost thereof and for all charges in connection with same.
- (17) 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 and safe material to perform such work.
- (18) When personally ordered and formally agreed to by the parents the body of a child less than a month old may be interred in a special grave to contain, when complete, three bodies, but no certificate of ownership of such grave shall be given and no removal of a body therefrom shall be allowed.
- (19) No person shall disinter or remove a body from any lot or grave without first producing a written order from the owner of such lot and a permit for such disinterment from the Provincial Medical Officer of Health.

14.

BURIAL OF INDIGENT POOR.

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- (1) The burial of indigent poor shall be in such portion or portions of the Cemetery as may from time to time be designated by the Superintendent.
- (2) By order of the Mayor of the Town the Superintendent shall furnish graves in the Cemetery without charge for the dead of indigent poor of any denomination.

PROVISIONS FOR RULES AND REGULATIONS.

15.

(1) Subject to the provisions of "The Cemetery Ordinance" the Council may make rules and regulations not inconsistent with this or any other By-Law of the Town to effectually carry out this By-Law and for the efficient management, control and regulation of the Cemetery.

(2) All other By-Laws relating to the Cemetery inconsistent with the provisions hereof are hereby repealed.

16.

PENALTY.

(1)

Any person who:

- (a) Plays any game or sport in the Cemetery, or
- (b) Discharges fire arms therein (save at a Military funeral, or
- (c) Commits a nuisance therein.

shall on summary conviction thereof be liable to a fine not exceeding One Hundred Dollars and the costs of prosecution.

(2) Any person who otherwise violates any of the provisions of this By-Law shall be liable on summary conviction thereof to a penalty of not less than One Dollar nor more than Twenty Dollars and the costs of prosecution.

DONE AND PASSED in Council assembled this *fourteenth* day of *November* A.D. 1921.

*W. H. Miles*  
.....  
Deputy Mayor

*J. R. Anderson*  
.....  
Secretary-Treasurer.

Read 1st time *Dec. 19<sup>th</sup> / 21*

Read 2nd time *Dec. 19<sup>th</sup> / 21*

Read 3rd time *Dec. 19<sup>th</sup> / 21*

.....  
Town Solicitors.

SCHEDULE "A"

*See New Schedule of Charges  
See Bylaws No 197*

Tariff of Charges in Connection with Cemetery.

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1. PRICE OF LOTS.

- (a) Single lots 5' x 10' including the placing thereon of a marker \$ 2.50
- (b) Family lots 20' x 20' including the placing thereon of a marker 10.00

2. BURIALS.

(1) CHARGE FOR BURIALS.

- (a) For the burial of a body of a deceased person over eight years of age, opening and closing the grave and furnishing a marker. \$ 8.00
- (b) For the burial of a body of a deceased child under eight years and over four years, opening and closing the grave and furnishing a marker. 5.00
- (c) For the burial of a body of a deceased child under four years of age, opening and closing the grave and furnishing a marker. 5.00
- (d) Where the grave is made for the burial of the body of a deceased person eight years of age and over, an extra charge of One Dollar (1.00) per foot for each and very foot beyond a depth of six feet.

- (e) Where the grave is made for the burial of the body of a deceased child under the age of eight years, an extra charge of Fifty (.50) cents per foot beyond a depth of six feet.

2. INTERMENTS BETWEEN 1ST. NOVEMBER AND 1ST MAY.

- (a) For all interments in the Cemetery between 1st November and 1st. May in any year, an extra charge for the opening of every such grave..\$1.00

3. DISINTERMENTS.

- (a) For the opening of any grave preparatory to the removal therefrom of the body of any deceased person of the age of eight years or over a charges of \$10.00
- (b) For the opening of any grave preparatory to the removal therefrom the body of any deceased child under the age of eight years a charge of \$10.00