

BY-LAW NO 736-2011

OF THE

TOWN OF BASHAW

IN THE PROVINCE OF ALBERTA

By-Law 736-2011

Being a by-law in the Town of Bashaw in the Province of Alberta to provide for the control and regulation of the Bashaw Cemetery by the Town of Bashaw.

Whereas the Cemeteries Act R.S.A. 1980, C-2 as amended, and the regulations thereunder, permit a municipality to own and operate cemeteries within its boundaries; and

And Whereas pursuant to the provisions of the Municipal Government Act, Chapter M-26, RSA 2000, and amendments thereto:

And Whereas the Council of the Town of Bashaw deems it necessary to pass a bylaw respecting the Operation of the cemetery owned by the Town of Bashaw;

And Whereas this bylaw shall encompass all sections of the Cemeteries Act, 1980, C-2 and the Regulations;

Now Therefore THE COUNCIL OF THE TOWN OF BASHAW, DULY ASSEMBLED, ENACTS AS FOLLOWS:

SHORT TITLE

This bylaw shall be called the "Cemetery Bylaw."

DEFINITIONS

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

1. "Block" shall mean a specific area within the Cemetery as designated by the Town of Bashaw.
2. "C.A.O." means Chief Administrative Officer (Town Manager)
3. "Cairn or Boulder Monuments" refers to a stone or heap of stones placed as a memorial.
4. "Cemetery" means the Bashaw Cemetery operated by the Town under the direction of the Cemetery Committee.
5. "Cemetery" shall mean the Bashaw Cemetery owned and operated by and under the control of the Town and situated on the NW ¼ 28 TWP 21 Rge 21 W4 within the County of Camrose.
6. "Cemetery Committee" shall consist of two members of the Town of Bashaw Council, The Town Manager, Cemetery Caretaker, and two members from the organization to whom the managing responsibilities have been given.
7. "Cemetery Supervisor" shall mean the employee or department of the Town charged with the care and control of the Cemetery, or an employee of the Town to whom the Cemetery Supervisor delegates the responsibilities under this Bylaw or a Volunteer Organization delegated the responsibilities for the care and control of the Cemetery.
8. "Columbarium" shall mean a structure designed for storing the ashes of dead human bodies or other human remains that have been cremated.
9. "Council" shall mean the Council of the Town of Bashaw.
10. "Field of Honour" shall mean an area in the Cemetery reserved for a monument in honour of servicemen and women of His or Her Majesty's Armed Forces.
11. "Flowering Ornamental" shall mean any perennial, annual or bi-annual flowering plant.
12. "Grave Liner" means a concrete and/or steel box placed in a grave to house a casket.
13. "Indigent" shall mean a person without means, support, or known relatives requiring burial at the Cemetery.
14. "Land Use Bylaw" shall mean the Town's Land Use Bylaw No. **675-2004**, as amended, and includes any bylaw passed in substitution for Bylaw No. **675-2004**.
15. "Lot" shall mean a group of graves without a walkway or roadway between them.
16. "Mausoleum" shall mean a structure wholly or partly above the level of the ground and designed for the burial or storage of dead human bodies.
17. "Monument" shall mean any structure in the Cemetery erected or constructed on any grave or Plot, for memorial purposes.

18. "Owner" means a person, heir, executor or authorized funeral director, with burial privileges for one or more plots.
19. "Person" shall include an individual, partnership or corporation.
20. "Perpetual Care" means the preservation and maintenance in perpetuity and in a proper manner of the Cemetery and grounds.
21. "Plot" shall mean one grave.
22. "Reserve Plot" shall mean a Plot or number of plots which lie adjacent to one another and which are to be reserved for the burial of one or more deceased members of a family.
23. "Resident" shall mean a person who has resided within the Town of Bashaw or County of Camrose immediately preceding his or her death or her application to purchase a plot.
24. "Town" shall mean the Town of Bashaw.
25. "Town Bylaw Enforcement Officer" shall mean a Bylaw Enforcement Officer appointed by the Town pursuant to the Municipal Government Act, to enforce the Town Bylaws, and includes a member of the Royal Canadian Mounted Police, and when authorized by Council, a Special Constable.
26. "Unallocated Plots" means a plot pre-purchased which will be allocated at the time of burial.
27. "Veteran" shall mean a Person who was a member of the Armed Forces of Canada, the United Kingdom or any Armed Forces of a country allied with Canada or the United Kingdom who served in any war.
28. "Woody Ornamental" shall mean any trees, shrubs, and creeping or climbing plants.
29. "Working Hours" shall mean the regular hours of work between 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding declared or Statutory Holidays.

LAND DESCRIPTION

The following land is hereby established and set apart for the sole purpose of a public cemetery to be known as:

Bashaw Cemetery
NW ¼ 28 41 – 21 – W4

GENERAL

1. No owner shall change the grade of any lot. The Cemetery Supervisor is authorized to restore any lot that is altered in grade contrary to the provisions of this section, at the expense of the owner.
2. No person shall make any walk, cut any sod, or move or place corner posts or grave markers.
3. Overtime charges will apply **for after hours on weekdays, weekends** and Statutory holidays.
4. While the Town will take all reasonable precautions to protect the property of the owner, it assumes neither liability nor responsibility for loss of or damage to any monument, marker or part thereof or any article of any type that may be placed on the plot.
5. The Town reserves the right to alter its regulations and fees as set out in this Bylaw from time to time by resolution in Council, and the Cemetery Committee may temporarily suspend, revoke or vary any regulation upon a written request.
6. No person shall disturb the quiet and good order of the Cemetery by noise or other improper conduct.
7. A member of the Royal Canadian Mounted Police, the Town Bylaw Enforcement Officer, the Cemetery Supervisor, or any other designated person in charge of the Cemetery, may evict therefrom, using such force as is reasonably necessary, or deny entrance to any person who contravenes Number 6 above.
8. No person other than the Cemetery Supervisor shall disturb or remove or place any flowering ornamental, woody ornamental, sod or dirt anywhere in the Cemetery except as may be provided for herein.
9. Flowering ornamentals or woody ornamentals donated in memory of a deceased person will be planted by the Cemetery Supervisor at a place in the Cemetery designated by the Cemetery Supervisor.
10. No person shall place woody ornamentals on a plot or at the head or foot of a grave.
11. No person shall destroy, damage, deface or write upon any monument or other structure or object in the Cemetery.
12. No person shall deposit any litter of any kind on any portion of the lands within the boundaries of the Cemetery except in receptacles provided for that purpose.
13. No animal shall be allowed in the Cemetery unless such animal is on a leash and under the control of an adult person.
14. An owner of an animal who permits the animal to defecate on Cemetery property shall remove forthwith any defecated matter deposited

DUTIES, RIGHTS AND POWERS

1. The Cemetery Supervisor shall have the sole control of all matters within the Cemetery that are concerned with maintaining the grounds in a neat and pleasing condition, and to that end is hereby authorized to regulate and control the Cemetery grounds.
2. The Cemetery Supervisor is hereby authorized to remove, or have removed, any weeds, grass, funeral designs or floral pieces which may become wilted, or any other article or thing which, in the opinion of the Cemetery Supervisor, is unsightly.
3. If, in the opinion of the Cemetery Supervisor, any woody ornamentals situated on or about the Cemetery, become, by means of their roots or branches, or in any other way detrimental to adjacent plots, walks or driveways, prejudicial to the general appearance of the grounds, or dangerous or inconvenient to the public, the Cemetery Supervisor is authorized to remove such woody ornamentals, or any parts thereof.
4. No person shall erect upon a plot or lot any fence, railing, wall, border, hedge, coping or the like and where any of the same have been previously erected around a plot or lot and have, by reason of age or neglect, become unsightly or objectionable, the Cemetery Supervisor may cause such to be removed after 30 days notice of the intention to do so has been given to the owners of the plot, or to relatives if the owner is deceased, or published in a newspaper circulated in the Town, if the relatives are unknown.
5. Every owner of a monument or other erection upon any plot shall maintain it in proper repair.
6. When in the opinion of the Cemetery Supervisor, any monument is in a state of disrepair, he shall notify the owner in writing thereof and require that repairs be promptly undertaken. Any monument or structure not repaired within 90 days after a letter has been sent to the owner or his personal representative, to the last known address provided to the Town, may be removed and retained in the custody of the Cemetery Supervisor for a period of 90 days to allow the person responsible for its maintenance to claim the monument and return it to an acceptable condition.
7. The Cemetery Supervisor may remove any monument from a plot when necessary to gain access to another plot, provided that such monument is re-installed in a like manner.

DELEGATION OF AUTHORITY

The C.A.O. may delegate their authority to carry out the functions and duties as specified in the Section, Duties, Rights And Powers to an outside agency, in accordance with the agreements of the Town of Bashaw.

PLOTS USE, SALE AND TRANSFER OF PLOTS

Plans for burial purposes, including a record of all interments and disinterments will be kept at the Town Office. Copies of all such plans shall be available for inspection free of charge at the Town office during regular office hours.

1. Plots shall be available for the burial of human remains at all times.
2. No person shall make a reservation for one or more plots without making payment in full at the time of the reservation.
3. Upon payment of the full price of any plot, the Town shall provide a receipt for the said sum, and provide a cemetery deed for such plot to such person or to that person's personal representative, as such person may appoint.
4. The owner of any plot or plots shall not sell except to the Town in which case the offer must be in writing. The Town will refund the market value of the plot at the time of sale less fifteen percent for administration. Plots may be transferred from one family member to another family member. No transfer shall be valid unless it is duly registered with the Town.
5. When a plot is held by 2 or more persons, an order for interment in such plot of any part thereof will be accepted by the Town from any one of the said persons or their personal representative.
6. No person shall accept any fee or reward for interment of any body in a plot of which such person is the owner, or over which the person exercises any power or control.
7. All burials are to be made within the confines of a single plot. Provision may be made to bury a maximum of two full bodies in a single plot but the first body must be buried at a depth of **nine and one half** feet. Ashes, to a total of 6 cremated remains, may be buried in an occupied plot when the person in charge of the ashes has received permission for such burial in that plot from the Cemetery Supervisor.
8. The Town will accept no responsibility for any excavation upon any plot, unless it is undertaken following prior consultation with the Cemetery Supervisor.

INTERMENTS AND DISINTERMENTS

1. Any person or agent requesting an interment shall have all related costs paid for prior to burial or a Request for Cemetery Plot(s) request form turned into the Department of Corporate Services.
2. No person shall personally or by agent undertake an interment in any burial lot unless and until there has been produced to the Cemetery Supervisor, the following:
 - (a) burial permit issued by the proper official of the Province of Alberta;
 - (b) Cemetery deed issued by the Town of Bashaw or written permission from the owner of the said lot permitting the burial approved by the Department of Corporate Services.
3. Notwithstanding any other provisions of this Bylaw, orders for interment for Saturday, Sunday or Statutory Holidays, must be placed with the Town Office at least 48 hours before the burial is to take place, unless the Cemetery Supervisor, for emergent reasons, otherwise allows.
4. No interment shall be made without the written proof of ownership of the plot.
5. The use of grave liners is mandatory except for cremains.
6. Concrete and/or steel grave liners are mandatory for the first burial where there is more than one full body buried in one plot.
7. Grave liners must be totally buried and the highest point being at least three (3) feet(0.914 meters) below the soil surface.
8. The Town accepts no responsibility for any error or misunderstanding that may arise when any owner or agent orders an interment by telephone.
9. Every owner of a plot in the Cemetery, or the owner's personal representative, shall be held responsible for the cost of the plot and for all charges in connection therewith, including disinterment or removal of a body when applicable. 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.
10. All persons shall comply with the government regulations for erection of monuments applicable to that part of the cemetery in which the interment is made.
11. No grave for the burial of cremated remains shall be less than 24 inches in depth from the surface of the ground.
12. The burial of cremated remains shall be in such portion or portions of the Plots in the Cemetery as may be designated by the Cemetery Supervisor and indicated on the Cemetery plans located at the Town Office.
13. The burial of destitute or indigent persons and unclaimed bodies may be placed in such a portion or portions of the Cemetery as may be designated by the Cemetery Supervisor.
14. All work being conducted in the immediate vicinity of a plot shall be discontinued during a burial service at that plot.
15. No disinterments or removal of a body shall be allowed without the consent in writing of the surviving relative or the legal representative of the person whose body is to be disinterred or removed. The Town will not be responsible for any disinterments. Disinterments must be arranged and completed by a Funeral Home under the supervision of the Cemetery Supervisor. All costs incurred shall be the responsibility of the family or agent, including the cost of a new grave liner if required.
16. The person requesting a disinterment shall give complete and precise instructions regarding the location of the grave. The Town shall not be responsible for any errors resulting from the lack of proper instruction.
17. Whenever a grave shall become vacant by removal of the body or bodies, the grave from which the body has been removed shall revert without refund to the Town of Bashaw.
18. The Funeral Home shall be responsible for lowering the grave liner, casket and placing and removal of "greens". The Funeral Home or its representative, shall be present until the grave liner is sealed.
19. It is a condition of every deed to use any plot in the Bashaw Cemetery, that the deed expressly waives any claim arising by reason of any error or mis-conception of any burial lot. The Town undertakes that it will attempt in so far as is reasonably possible to avoid such errors but its liability shall only extend to refund, in case of error, of any money paid to the Town for a plot or plots and it undertakes to make an equivalent quality of plot or plots available in lieu of those originally allocated.
20. Before disinterment is allowed for the remains of a person who died from a contagious disease a permit shall be obtained from the Provincial Board of Health and presented to the Cemetery Supervisor.

FIELD OF HONOUR

The Town may set aside and maintain an area in the Cemetery, which shall be known as the Field of Honour.

MONUMENT WORK

1. No owner may erect upon any plot any monument while any charges in connection therewith are due and owing to the Town.
2. No monument, vault or other structure shall be erected or placed on any plot until its design and the plans and specifications relative to the material, construction and the proposed location thereof have been submitted to the Town as outlined in Schedule "A" and are in compliance in the opinion of the Cemetery Supervisor, with the size, and regulations listed in this bylaw.
3. A person shall not place on any plot a monument of artificial stone, glass, wood, nor of any material not approved in the regulations.
4. Monuments shall only be installed Monday to Friday between 8:00 a.m. and 12:00 noon and 1:00 p.m. and 5:00 p.m. and all work on monument shall cease during a funeral procession and funeral.
5. Cairns or Boulder monuments are not allowed on plots.

MONUMENTS

1. All firms or individuals wishing to place a monument or memorial must first provide to the Cemetery Supervisor a permit obtained from the Town Office.
2. All monuments must be of granite, marble or bronze.
3. No inscription or impression shall be placed on any monument which, in the opinion of the Cemetery Supervisor, is not in keeping with the dignity and decorum of the Cemetery.
4. For the protection of the lot holder and the beauty of the cemetery all inscriptions or impressions on all monuments must be well cut and in good proportion.
5. In erecting or placing monuments upon any lot or plot the owner or his agent shall conform to the following:
 - (a) Be under the supervision of the Cemetery Supervisor.
 - (b) Not interfere with any other lots or plots.
 - (c) Convey, transport, and place all materials.
 - (d) Remove all masonry litter, rubbish or refuse from the area and leave it in a neat and tidy condition.
 - (e) In the event of a failure or refusal to do so the Town may cause the same to be done and charge the cost thereto to the plot or lot owner or his agent.
6. The placement of monuments shall comply with the following requirements:
 - (a) a concrete foundation extending 4-5 inches on each side of the monument not less than 4 inches in depth, reinforced with rebar and being at the level of ground adjoining the grave plot. Proper forms must be used for construction.
 - (b) Monuments must be placed on that portion of the plot undisturbed by excavation and must be in line with other monuments in that section of the Cemetery.
 - (c) Monuments, including the base, shall be constructed of granite, marble or bronze. Monuments shall not be constructed in concrete.
 - (d) Pillow Monuments must not exceed the following dimensions:
 - 12 inches in height
 - 18 inches in depth
 - 48 inches in width
 - (e) Upright Monuments must not exceed:
 - 48 inches in height
 - 18 inches in depth
 - 48 inches in width
 - (f) Flat markers must not exceed 24" x 48" and must be mounted flush with the surface of the ground.
 - (g) Flat markers may be installed on **existing** plots in addition to the primary head stone where cremated remains are added at a later date. These markers are to be located at the base of the existing headstone.
 - (h) Notwithstanding the provisions of this Section, each monument shall be in keeping with the appearance of other monuments in the Cemetery and with the character of the Cemetery.
 - (i) The Town may refuse the placement of any monument, which may otherwise conform to these regulations, should it be determined that the proposed monument is not appropriate for placement in the Cemetery.
 - (j) The Town will not be responsible for any errors resulting in monuments being designed, or the description on the face being inaccurate.
7. Any monument installed that does not comply with this bylaw, shall at the request of the Cemetery Supervisor, be reinstalled so that it complies, and any costs incurred will be the responsibility of the monument company.

8. Every owner of a monument or other erection upon any lot or plot shall maintain it in proper repair.
9. All persons employed in the construction and erection of monuments or doing other work in the Cemetery, whether they are employed by the Town or not, shall be subject to the direction and control of the Cemetery Supervisor. No work shall proceed until the Cemetery Supervisor authorizes it.
10. All persons erecting monuments shall ensure that such monuments are firmly secured to the foundation, and that the foundation is adequate to carry the monument.
11. All persons erecting monuments shall ensure that surrounding areas are left in the same condition as found.
12. When any monument, grave stone, or memorial of any kind is to be removed, or any inscription made on a monument or cleaning done, permission shall be obtained from the Cemetery Supervisor. Application for the owner of the plot shall make such permission in writing, with a description of the work proposed.
13. No person shall erect or cause to be erected more than one monument or structure on any one plot except when there are cremains on that same plot, in which case a flat marker will be allowed. (Ref. Sec. 6(g))
14. Grave covers are prohibited except where one presently exists in which case the owner of the plot, or personal representative, may install a stone to match an existing grave cover.

VEHICLES IN THE CEMETERY

1. No person shall drive any vehicle through the Cemetery at a speed exceeding 15 kph and then may only drive a vehicle upon the roadway provided for that purpose.
2. The Cemetery Supervisor may prohibit the driving of any vehicles in any part of the Cemetery.
3. The Cemetery Supervisor may prohibit the driving of any vehicles in the Cemetery when the roads are in an unfit condition.
4. No person shall ride a bicycle, snowmobile, motorcycle, mechanized vehicle or horse in the Cemetery unless they are a part of a funeral procession.
5. The owner of any moving vehicle shall be responsible for any damage done by such vehicle within the boundaries of the Cemetery.

REGULATIONS

Advertising

1. No person shall canvass for orders or distribute business cards in any cemetery.

Vegetation

1. No person shall plant any tree, shrub or herbaceous perennial inside or outside any plot. All permanent planting of trees or shrubs within the Cemetery grounds shall be the sole right and duty of the Cemetery Supervisor under direction of the Cemetery Committee.
2. No person shall tamper with or remove any flowers, plants, trees or shrubs, or monuments located or fences within the Cemetery.
3. Cut flowers shall be removed from lots by the Cemetery staff as soon as they become wilted or unsightly and persons wishing to retain same must remove them within forty-eight (48) hours after interment.
4. Artificial flowers shall be allowed on lots until they become unsightly and/or until they become a significant maintenance problem. Once artificial flowers are removed they will be retained for thirty (30) days so the owner has time to claim them.
5. Annual flowers shall not be planted upon graves.

ENFORCEMENT

Any person who contravenes a provision of this bylaw is guilty of an offence and is liable to pay a fine not exceeding \$500.00 exclusive of costs, for breach thereof, or in the case of non-payment of the fine and costs, imprisonment for a period not exceeding 60 days.

Any matters not dealt with in this bylaw shall be dealt with by the C.A.O. in the manner deemed most appropriate, having consideration for the appearance of the cemetery and the scope and intent of this bylaw.

Employees of the Town are prohibited from receiving gifts or money from owners. Any employee who accepts any gifts or money is liable for dismissal.

EFFECTIVE DATE

This Bylaw shall come into effect upon third and final reading.

By-Law 677-2004 is hereby repealed.

(THIS BY-LAW GIVEN FIRST)
(AND SECOND READING AND)
(BY UNANIMOUS CONSENT)
(THIRD READING AND)
(FINALLY PASSED THIS)
(21st DAY OF June, A.D.2011)

MAYOR

TOWN MANAGER
