

MUNICIPALITY OF CROWSNEST PASS

BY-LAW NO. 298, 1992

A BY-LAW OF THE MUNICIPALITY OF CROWSNEST PASS, IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR THE CONTROL, CARE AND FOR THE REGULATING OF THE USE OF THE MUNICIPAL CEMETERIES.

WHEREAS it is deemed necessary for the Municipality of Crowsnest Pass to provide for the control and regulation of the Municipal Cemeteries, and

WHEREAS the Council of the Municipality of Crowsnest Pass is desirous to maintain and keep the cemetery grounds in a sightly manner, and

WHEREAS in order to facilitate the mowing of the grass and the proper care of the grounds require certain regulations which must be observed,

NOW THEREFORE, the Council of the Municipality of Crowsnest Pass, in the Province of Alberta, pursuant to provisions under the Municipal Government Act and the Cemeteries Act and amendments thereto, duly assembled enacts as follows:

INTERPRETATION CLAUSE

In this By-Law unless the context requires:

- (a) **CARETAKER** means the person placed in charge of the Cemetery by the Council or its designate.
- (b) **CEMETERY** means all the cemeteries within the Municipality of Crowsnest Pass.
- (c) **MUNICIPALITY** means the Municipality of Crowsnest Pass.
- (d) **COUNCILLORS** means the Councillors of the Municipality of Crowsnest Pass.
- (e) **DEPARTMENT** means the Cemetery Committee of the Municipality of Crowsnest Pass.
- (f) **LOT, PLOT, BLOCK** means:
 - (i) **LOT** - space for one person (5' X 10')
- two for double dig. (10' X 10')
 - (ii) **PLOT** - eight Lots
 - (iii) **BLOCK** - a larger section of Lots or Plots

as shown for each on a plan of the cemetery on record in the office of the Municipality of Crowsnest Pass.
- (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.

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INTERPRETATION CLAUSE - cont'd

- (h) **MONUMENT** means a structure of metal, bronze, marble or granite which projects above the level of the surrounding ground.
- (i) **ADULT** shall mean any person over the age of ten years.
- (j) **CHILD** shall mean any person over the age of five years and under the age of ten years.
- (k) **INFANT** shall mean any person under the age of five years.
- (l) **GENERAL MAINTENANCE** means repairs to existing structures.

REGULATIONS

- 1. All the powers granted to the Cemetery Committee by this By-Law shall be subject to the supervision and control of the Municipality of Crowsnest Pass.
- 2. The Cemetery Committee or its designate shall have charge of the Cemetery and shall exercise control over all persons employed therein.
- 3. The Municipal Administrator or designate of the Municipality of Crowsnest Pass shall be responsible for the sale of Lots in the Cemetery, the keeping and making of all records required by law or such other records and plans as may be ordered by the Council and for the collecting of all fees and charges in connection therewith.
- 4. All persons employed in the construction of burial vaults, erection of monuments or doing other work in the Cemetery whether employed by the Municipality or not shall be subject to the direction and control of the Cemetery Committee.
- 5. The Cemetery Committee or designate shall have the right to remove from the Cemetery any person who disturbs the quiet or good order of the Cemetery whether by noisy or improper conduct or otherwise.
- 6. No person or persons may erect or cause to be erected any enclosure or railing around a Cemetery Lot, Plot or Block with the exception of the Hillcrest Mine Disaster area.
- 7. Any existing enclosures or railings must be kept in repair and in a sightly condition or such enclosure or railings may be removed by the caretaker on instructions of the Cemetery Committee or designate.

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REGULATIONS - cont'd

8. No covering, slab, monument, tombstone, grave marker or memorial tablet may be placed over any plot except such as shall meet the approval of the Cemetery Committee and such placements may be made only after permission has been granted by the Municipal Administrator or Public Works Superintendent with the size not to exceed 4' X 8'.
9. Any broken or unsightly covering or enclosures on Plots whose owners cannot be notified may be removed by the caretaker on the approval of the Cemetery Committee or designate.
10. If in the opinion of the Department any trees, shrubs, flowers or plants, natural or artificial, on any Lot becomes detrimental to adjacent Lots, walks or driveways or prejudicial to the general appearance of the grounds, the Committee shall have the right to order the removal of such trees, shrubs, flowers or plants.
11. Bases of monuments, tombstones or markers must be at least six inches wider than the widest portion of the stone and of sufficient depth to support the weight being imposed thereon, and the top of the base must be level with the surface of the surrounding area.
12. Lettered boards or designs of any description designating graves other than the standard temporary marker provided by the Funeral Director will not be allowed.
13. Such markers, monuments, tablets or stones must be placed or erected by the parties concerned within one year from the burial date but the placing or erection thereof shall be at the direction of the caretaker.
14. No vehicle shall travel through the Cemetery at a greater rate of speed than twenty (20) kilometers per hour.
15. No person shall ride or drive a vehicle over any Lot or boulevard in the Cemetery except for the purpose of opening or closing. The owner of any vehicle shall be responsible for any damage done by such vehicle.
16. No person shall destroy, damage, deface or write upon any monument, tablet, or other structure or object in the Cemetery.
17. Notices required to be given to any person under this By-Law may be given either verbally or in writing by the Municipal Office. If required to be in writing a notice mailed postpaid to the last know address of such a person shall be deemed sufficient notice to that person. If a reply is not received prior to the expiration of sixty (60) calendar days the Municipality will proceed without further notice.

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REGULATIONS - cont'd

18. All applications for burials shall be made at least forty-eight (48) hours before the time of interment. Under special circumstances this time frame may be waived by the Municipal Administrator or Public Works Superintendent.
19. Graves shall be dug and interments made only by persons employed by the Municipality and under the direction of the caretaker, and no person or persons not in the employment of the Municipality shall not open any grave or vault for the purpose of interring or removing a body.
20. 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.
21. 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 or any other required Regulatory Body.
22. The Municipality 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 damage resulting to any person thereby.
23. All persons who purchase Lots or reserve Lots shall be held responsible for the cost thereof and for all charges in connection therewith. A maximum of 24 reserve plots may be acquired in a block with payment upon request.
24. Any Cemetery Lot that has been reserved and of which the Municipality has not received payment within six (6) months from the date of being reserved shall revert back to the Municipality for resale. Cemetery Lots reserved may not be resold by the purchaser but may be transferred back to the Municipality providing the Municipality desires to purchase them at the price of such Lots at the date of the original purchase.
25. No person(s) shall be permitted to do any work, excluding cleaning or general maintenance, in the Cemetery until a work permit has been obtained from the Municipality. Any unauthorized work will be removed and all costs incurred shall be charged to the person violating this clause. Persons violating this clause shall not be issued a permit to carry out cemetery work for a period of one (1) year. A work permit must be obtained from the Development Officer of the Municipality. A detailed drawing of the work to be done must accompany the work permit. A fee of TEN (\$10.00) DOLLARS shall be charged for each permit.

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REGULATIONS - cont'd

- 26. The Municipality shall not be responsible for any damage, whether willful or accidental, to any marker, monument or headstone within the Cemetery.
- 27. No burial will be permitted in the Cemetery unless a rough box is first placed in the grave. All double depth burials will require a permanent rough box.
- 28. Should the Municipality remove and haul damaged cement and fill the grave no cement work shall be permitted thereon.
- 29. Not more than four (4) cremations shall be permitted on a 5' X 4' Lot.

PENALTIES

Any person or owner who commits a breach of the provisions of this By-Law, not specifically covered by an existing penalty in this By-Law, shall be liable upon summary conviction by any Court of competent jurisdiction to a fine not exceeding FIVE HUNDRED (\$500.00) DOLLARS and costs and in default of payment to imprisonment for a period not exceeding THIRTY (30) DAYS unless such fine and costs including the cost of committal are sooner paid.

REPEAL

By-Laws No. 184, 1985 and No. 190, 1986 are hereby repealed with the final passing of this By-Law.

Councillor S. Marra moved that By-Law No. 298, 1992 receive First Reading this 5th day of MAY, 1992.

CARRIED

Councillor H. Bennett moved that By-Law No. 298, 1992 receive Second Reading this 5th day of MAY, 1992.

CARRIED


Councillor G. Makin moved that By-Law No. 298, 1992 be presented at this meeting for Third Reading


CARRIED UNANIMOUSLY

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Councillor B. Fabro moved that By-Law No. 298, 1992, receive Third and Final Reading this 5th day of MAY, 1992 and that it be declared finally passed and the Mayor and Municipal Administrator be authorized and instructed to sign same and affix thereto the Corporate Seal of the Municipality of Crowsnest Pass.

CARRIED


MAYOR


MUNICIPAL ADMINISTRATOR

