

TOWN OF BROOKS
BY-LAW NO. 84/546

02/45

AMENDED BY BY-LAW NO.
~~84-544, 85-568~~

Repealed 90/34, 93/30
Repealed 95/50, 97/07, 99/29
Repealed

A BY-LAW OF THE TOWN OF BROOKS IN THE PROVINCE OF ALBERTA
TO PROVIDE FOR THE REGULATION AND CONTROL OF CEMETERIES

WHEREAS it is deemed necessary to amend existing legislation as it pertains to cemeteries to reflect present needs and conditions.

THEREFORE, under the provisions of Section 117 of the Municipal Government Act the Council of the Town of Brooks, duly assembled, enacts as follows:

INTERPRETATION CLAUSE

1. In this By-Law unless the context otherwise requires:
 - (a) "Public Works Operations Manager" means the person placed in charge of any cemetery.
 - (b) "Cemeteries" means unless the context otherwise requires, all cemeteries in the Town of Brooks operated by and under the control of the Town of Brooks.
 - (c) "Town" means the Town of Brooks.
 - (d) "Town Office" means the Brooks Town Office.
 - (e) "Council" means the Council of the Town of Brooks.
 - (f) "Plot" means a grave plot as shown on a Plan of Subdivision of record in the office of the Town of Brooks.
 - (g) "Memorial Tablet" means a structure of bronze, marble, or granite or other material for memorial purposes placed on any plot 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.

DUTIES, RIGHTS AND POWERS OF THE PUBLIC WORKS OPERATIONS MANAGER AND THE TOWN

2. All powers granted to the Public Works Operations Manager by this By-Law shall be subject to the supervision and control of the Council.
3. The Public Works Operations Manager shall have charge of the cemetery and shall exercise control over all men employed therein.
4. The Town shall make all sales of plots in the cemeteries and shall receive all monies therefor and for all interments made in the cemeteries.
5. The Town shall keep proper books of account showing all monies received from the sale of plots and for all services rendered in the cemeteries, and showing all expenditures made in connection with the cemeteries.
6. The Public Works Operations Manager shall keep proper records and plans of subdivision and each plot in the cemeteries shall be shown numbered on such plans of subdivision. The records kept by the Public Works Operations Manager shall show the owner of each such plot 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 Public Works Operations Manager has first been obtained.
8. The Public Works Operations Manager 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 available to the owner for thirty (30) days, after which the Town's responsibility for them shall cease.

9. If, in the opinion of the Public Works Operations Manager, any trees, shrubs, or plants on any plot become detrimental to adjacent plots, walks, or driveways, or prejudicial to the general appearance of the grounds, the Public Works Operations Manager shall have the right to remove any such trees, shrubs, plants, or any parts thereof.
10. The Public Works Operations Manager may remove from any plots any weeds 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 or not, shall be subject to the direction and control of the Public Works Operations Manager.
12. The Public Works Operations Manager 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. Any Society desiring to hold a memorial service shall give the Public Works Operations Manager at least ten (10) days notice of their intention so to do.

PLOTS

14. The plans of subdivision of the lands made available by the Town for cemetery purposes now on record in the office of the Public Works Operations Manager, 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 Public Works Operations Manager between the hours of 9:00 a.m. and 5:00 p.m. on any day except Saturdays and Sundays and Statutory Public Holidays.
15. The Town Office shall have plots of the following sizes for purchase at all times:
 - 4' x 12' (48 sq. ft.)
 - 4' x 8' (32 sq. ft.)
 - 4' x 4' (16 sq. ft.)
16. No plots shall be further subdivided or altered in any manner at variance with the subdivision of such plots as shown on the plans in the office of the Public Works Operations Manager.
17. Plots 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 "A" of this By-Law.
18. (a) The Town Office shall, upon written application for the purchase of a plot(s), and upon payment by any person of the full price of any plot(s), furnish such person with a receipt for the sum paid and a transfer for each plot to such person or to whom such person may appoint.
(b) The Town shall determine the location of any and all plots that are to be sold.
(c) In addition to plots purchased for immediate interment, a maximum of one plot may be purchased for future needs.
19. Plots in Blocks #33 - 48 on the existing plan of subdivision available for cemetery purposes are reserved to the extent that only memorial tablets shall be erected thereon; monuments are prohibited.
20. Cemetery plots cannot be re-sold but may be transferred back to the Town, should the Town desire to purchase them, and no conveyance or transfer shall be valid unless such transfer is duly registered at the Town Office.
21. Any person transferring a plot in the cemetery back to the Town shall produce the Title or receipt for such plot, to the Town Office.

22. Whenever a plot is held by two or more persons, an order for interment in such plot or any part thereof will be accepted by the Town Office from any one of the said persons or their personal representatives.
23. Plots in the cemetery shall be used only for the burial of human bodies.
24. No person shall erect borders, fences, railings, copings, rails, curbs, or plant hedges, in or around any plot.
25. The Public Works Operations Manager shall have the right to remove such fences, borders, railings, walls, hedges, copings and other enclosures now in existence as he may deem advisable after notice of his intention to do so has been given to the owners thereof.

RIGHTS AND DUTIES OF LOT OWNERS

26. Unless permission has been obtained from the Public Works Operations Manager 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 Town under the direction of the Public Works Operations Manager. Flowers and plants of a suitable character may be planted on a grave plot by the owner under the direction of the Public Works Operations Manager. Flower beds shall, however, be of half circle design at the base of a monument only.
27. No person shall place or deposit any glass encased wreath on any plot in the cemetery.
28. No person shall remove any sod or earth from any portion of a cemetery without first obtaining the consent of the Public Works Operations Manager.
29. No person, other than the Public Works Operations Manager and his employees or the owner of a plot or his agent, shall be permitted to care for any plot in any cemetery.
30. The top of plots 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 Public Works Operations Manager may be permitted in the cemeteries under such conditions as the Public Works Operations Manager 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 Public Works Operations Manager and a permit for the erection of such monument issued, and no vault or monumental structure is, in the opinion of the Public Works Operations Manager, prejudicial to the general appearance of the cemeteries or to the interest of the owner of other plots. No monument or other memorial of artificial stone shall be erected in the cemeteries except in cases where the Town Council and the Public Works Operations Manager are satisfied that the manufacturers and dealers in artificial stone can conform to the specifications required in the permit therefor. All specifications and amendments thereto shall be first approved by Council. The fee for a monument permit shall be as set forth in Schedule "A".
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 plot on which it is to be erected and the length of the base shall not exceed 75% of the width of the plot. The base area of the monument shall not exceed 9% of the area of the plot. Monuments with a face area of six square feet or less shall be not less than four inches in thickness. Monuments of a face area of 12 square feet and more than six square feet shall be not less than six inches in thickness. Monuments exceeding 12 square feet in face area shall be not less than eight inches in thickness. The base of a monument shall not exceed 25% of the total height of the monument.

36. All concrete foundations, whether precast or poured on site for the erection of monuments, shall be the sole responsibility of the firms who are retailing or handling monuments. Measurements for width, length and depth may be modified or altered for special monuments subject to the approval of the Public Works Operations Manager. Foundations of all vaults or monuments shall extend four inches in all directions beyond the bottom base.
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 four inches in depth and be properly set in concrete according to the specifications furnished by the Public Works Operations Manager.
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 plot 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 plot shall be covered by any slab of cement or other similar matter.
42. On single grave plots the memorial tablet shall not exceed 24 x 14 inches.
43. On two grave plots the common memorial tablet shall not exceed 36 x 18 inches.
44. On four grave plots there may be placed a common memorial tablet 36 x 24 inches, or a memorial tablet of a type and specifications which shall be first approved by the Public Works Operations Manager.
45. On eight grave plots the regulations are the same as above, except that the size of the common memorial tablet may be increased to 60 inches x 36 inches.
46. The use of bronze is approved for doors and window grilles or 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 noncorrosive and are of proven permanency.
47. All bronze memorial tablets shall be set according to the directions of the Public Works Operations Manager.
48. The Public Works Operations Manager 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 an owner of a monument neglects to make the required repairs or alterations after receiving due notice from the Public Works Operations Manager, he shall allow thirty (30) days to elapse, after which time he 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 by the owner.
50. Before any monument is erected, the Public Works Operations Manager 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 plots and paths shall move such material on planks or in some other method which will do as little damage as possible to such plots and paths.

51. No vault shall be constructed or erected wholly or partially above ground without permission of the Public Works Operations Manager and such vault shall be furnished with shelves having divisions therein allowing separate interments 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 plot without first obtaining the permission of the Public Works Operations Manager so to do.
53. 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 Public Works Operations Manager so to do.

VEHICLES IN THE CEMETERIES

54. No vehicle shall travel through any cemetery at a greater rate of speed than ten (10) miles per hour.
55. No person shall ride or drive a bicycle, vehicle or horse over any plot or boulevard in any cemetery.
56. The owner of any vehicle shall be responsible for any damage done by such vehicle.
57. The Public Works Operations Manager may prohibit the driving of vehicles in any part of the cemetery.

GENERAL PROVISIONS

58. No dog shall be allowed in any cemetery unless such dog is on a leash.
59. No person shall destroy, damage, deface or write upon any monument, tablet, or other structure or object in any cemetery.
60. No person shall enter or use any portion of the cemetery for purpose of recreation or entertainment, including camping, picnicing, social gathering.
61. No fires are permitted within any portion of the cemetery.
62. All cemeteries of the Town of Brooks shall be closed to the public from 10:00 p.m. until 8:00 a.m. the following morning during the months of May to September, inclusive, and from 8:00 p.m. to 8:00 a.m. the following morning during the months of October to April, inclusive.
63. (a) The Town of Brooks 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.

(b) The Town of Brooks shall not be held responsible for any damage, destruction or defacement to any monument, tablet, grave or other structure or object in any cemetery except for damages resulting during the performance of its normal duties.

BURIALS

64. 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 burials shall be made at least 24 hours before the time for interment.
65. Notices required to be given to any person under this By-Law may be given either verbally or in writing to 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.

66. No interment shall be permitted until the forms provided by the Town have been filled in and given to the Public Works Operations Manager of the cemetery. Such forms shall contain the following particulars.

Name of deceased	Cause of death
Age - - years	Name of Funeral Director
Late residence	Nearest relative or friends
Sex	In whose plot interment is to be made
Date of death	Time of funeral
	Size of casket
	Location of grave by diagram, if other than single plot

and such other information as may be deemed necessary to provide an accurate registry of same.

67. (a) That outer boxes around caskets for burials are compulsory and shall be constructed of concrete. The outer concrete box shall be at the cemetery at least four hours before the time set for the interment.
- (b) An extra charge will be made for the placing of the concrete outer box that exceeds one meter (3.28 ft.).
68. Funerals must reach the cemetery not later than 4:00 p.m. and a charge for overtime will be made if it is necessary for workmen to remain after their usual working hours.
69. There shall be no burials made on Sundays or Statutory Holidays unless such burial is ordered by the Medical Officer of Health.
70. The Town 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 plot where an interment is to be or has been made or for any damage resulting to any person thereby.
71. Graves shall be dug and interments made only by persons employed by the Public Works Operations Manager and under the direction of the Public Works Operations Manager, and no person or persons not in the employment of the Public Works Operations Manager shall open any grave or vault for the purpose of interring or removing a body.
72. 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.
73. The body of an adult person shall not be interred in the same grave with a body which 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.
74. 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.
75. A child less than a week old may be interred in a special grave to contain when complete, twelve bodies, but no certificate of ownership shall be given for such grave. A burial permit must first be obtained from the Funeral Director.
76. No work shall be carried on in the immediate vicinity of any burial service in the cemetery.
77. All funerals shall be under the supervision and control of the Public Works Operations Manager while they are within any cemetery.
78. Funeral Directors shall have all orders for interments in the cemeteries signed by the owner of the plot or grave in which such interment is to be made, or by legal representatives of such owner.
79. No second interment shall be permitted in any plot in the cemeteries on which there are unpaid charges due and payable to the Town of Brooks.

80. All persons who purchase plots in the cemetery shall be held responsible for the cost thereof and for all charges in connection therewith. The person signing an order for interment will be held responsible for 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.
81. The Public Works Operations Manager 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 safe and proper material to perform such work.
82. 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.
83. The body of any person which was infected at the time of death with any contagious disease, shall not be taken into any church, chapel or public vault without the cemeteries but shall be transferred directly from the place of death to the place of burial and no person except the officiating Clergyman, Funeral Director and those whose attendance is absolutely necessary, shall attend the funeral or burial of any such body unless the said body has been placed in an airtight metal-lined, hermetically sealed casket.

FIELD OF HONOUR

84. In the areas set aside in the cemetery known as "Field of Honour" and reserved for burial of Service and Ex-Service men and women of the Naval, Military, Air and Auxiliary Forces, the following regulations shall apply;
 - (a) The Town shall maintain the said "Field of Honour" and the Trustees of the Field of Honour shall assist in such maintenance whenever and as far as they are able, and the said plot shall always be under the direct control and supervision of the Public Works Operations Manager.
 - (b) The forms required for burial in the Field of Honour shall be such as are required by the Public Works Operations Manager, or such as may, by agreement between the Public Works Operations Manager and the Trustees of the Field of Honour, be adopted.
 - (c) No person shall be buried in the Field of Honour unless written authority from the Trustees is first produced to the Public Works Operations Manager or his representative.
85. In the case of all burials made under the auspices of the Department of Pensions and National Health or the Department of Militia and Defence (authorized by special form for the purpose) the said Departments shall be required to pay for the opening and closing of grave.
86. In the case of private burials in the Field of Honour (authorized by a special form for that purpose) the party requesting such burial shall be required to pay the usual fees for the opening and closing of the grave.
87. All work in the Field of Honour shall be done only with the consent and approval of the Public Works Operations Manager.

BURIAL OF INDIGENT POOR

88. By order of the Mayor or Council the Town of Brooks, the Public Works Operations Manager shall furnish graves in the cemeteries, without charge for the dead of indigent poor.

PROVISIONS FOR RULES AND REGULATIONS

89. The Council or authorized personnel 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.
90. By-Law No. 81/473 is hereby repealed.

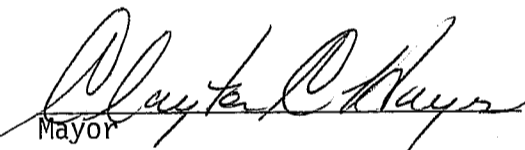
PENALTY

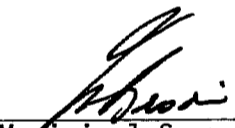
91. Any person who violates any of the provisions of this By-Law shall be liable on summary conviction before a Police Magistrate in the Town of Brooks, or any Justice of the Peace having jurisdiction therein, to penalty not exceeding twelve hundred dollars (\$1,200.00), or imprisonment for any term not exceeding six (6) months, or to both such fine and imprisonment.

INTRODUCED AND READ A FIRST TIME IN COUNCIL THIS 10th DAY OF
September 1984.

READ A SECOND TIME IN COUNCIL THIS 10th DAY OF September 1984.

READ A THIRD TIME IN COUNCIL AND FINALLY PASSED THIS 10th DAY OF
September 1984.


Mayor


Municipal Secretary

BY-LAW NO. 84/546

SCHEDULE "A"

*Deleted in
its entirety by
Bylaws 98/34 #2*

1. <u>Price of Plots</u>	
Resident - 1st	\$175.00
- 2nd	\$225.00
Resident Child	\$100.00
Non-Resident	\$325.00
Non-Resident Child	\$200.00
Still Birth	\$ 50.00
(1/4 of regular plot)	
Cremains	\$ 50.00
 Plots reserved for flat memorial tablet (Except stillborn & cremains)	 \$ 50.00 less
2. The charges for opening and closing of graves shall be:	
Adults	\$125.00
Still Birth	\$ 50.00
Cremains	\$ 50.00
3. Saturday or holiday burials (extra charge)	\$100.00
4. Monument Permit and Grave Location Fee	\$ 10.00