

DISTRICT OF VANDERHOOF

BYLAW NO. 974, 2004

Being a bylaw to regulate the operation and maintenance of the District of Vanderhoof Cemetery.

WHEREAS pursuant to Section 8(3)(f) of the *Community Charter*, a municipality is authorized, by bylaw, to regulate cemeteries;

AND WHEREAS the District of Vanderhoof Council wishes to establish itself as a Board of Cemetery Trustees in accordance with Section 37(2) of the *Cremation, Interment and Funeral Services Act*

AND WHEREAS the District of Vanderhoof Council deems it necessary and desirable to provide Cemetery services;

NOW THEREFORE the District of Vanderhoof Council, in open meeting assembled, enacts as follows:

1. DEFINITIONS

base means the bottom part of an upright memorial marker which forms a part of the marker and is attached to the marker at the time of installation

Caretaker means the Public Works Superintendent, or the person appointed by Council as Caretaker of the Cemetery, and includes anyone authorized by the Public Works Superintendent

Cemetery means land that is set apart or used as a place of burial for human remains or cremated remains and includes any incidental or ancillary buildings on the land

Child means any person one year old, up to and including 12 years of age

Clerk means the person duly appointed as the Clerk and/or the Corporate Officer and includes the Deputy Clerk

concrete slab means a 4” thick pad of concrete on which a memorial marker is placed

Council means the District of Vanderhoof Council

Cremated remains means human bone fragments left after human remains are cremated

Disinterment	means the removal, for the purpose of permanent relocation, of i) human remains, and ii) the container, or any of the remaining container holding the human remains from the lot in which the human remains are interred
District	means the District Municipality of Vanderhoof
Exhumation	means the exposure and removal of interred human remains for the purposes of viewing or examination
Infant	means any person up to the age of one year
Interment	means disposition by burial of human remains or cremated remains, the entombment of human remains or the inurnment of cremated remains
Inurnment	means the interment of cremated remains
Mayor	means the Mayor of the District of Vanderhoof and includes the Acting Mayor
Medical Health Officer	means the person appointed under the <i>Health Act</i> to act as the Medical Health Officer for the Northern Interior Health Service Delivery Area
Memorial marker	means a tombstone, monument, plaque or other marker on a grave or plot used to identify a lot or memorialize a deceased person
Non-resident	means any person who has not lived within the Vanderhoof area for more than one year
Operator	means a person or a board of trustees that owns or operates a place of interment
Treasurer	means the person appointed by Council as Treasurer and includes the Deputy Treasurer

2. BOARD OF CEMETERY TRUSTEES

The Council of the District of Vanderhoof is hereby appointed as a Board of Cemetery Trustees in accordance with Section 37(2) of the *Cremation, Interment and Funeral Services Act*.

3. CEMETERY DESIGNATION

The Cemetery shall be known as the “District of Vanderhoof Cemetery” and is legally described as follows:

Lot 1 of Block “B” of the East ½ of the SW ¼ of Section 16, Township 11, Range 5, Coast District Plan 1889 (folio 3583.000); and

Part of the E ½ of the SW ¼ of Section 16, Township 11, Range 5, Coast District, except plans 1808, 1889, 1890, 3353, 3763, 3979, 9870, PRP 12969 (folio 3583.030); and

Lot 1, Plan PRP12969, Section 16, Township 11, Range 5, Coast Range Land District (folio 3583.040).

4. CEMETERY PLANS

A copy of the plans of the Cemetery shall be filed with the Minister of Public Safety and Solicitor General, Cemetery and Funeral Services Division and copies shall be kept available for public inspection in the Municipal Office and at such other places as may be deemed necessary.

5. LICENSE TO USE THE CEMETERY

5.1 The District may, by agreement with a society, church or other organization, reserve a section of the Cemetery to be used exclusively for the interment of deceased members of the society, church, or other organization concerned, and upon such an agreement being made, no person shall be issued with a license to use grave space in the reserved section unless his application to the District to purchase a license is accompanied by a certificate from the society, church, or organization concerned, stating that he, or the person on whose behalf he may be acting, is entitled to burial in the reserved section. All licenses issued and services rendered by the District under these conditions shall be subject to payment at the regular rates set forth in the schedule of fees attached hereto as “Schedule B”.

5.2 The District may grant to any person paying the fees according to the schedule of fees and subject to the terms of Section 5.1, a license for the exclusive use by him or his executors or administrators, of any one or more grave spaces which may be vacant and unlicensed in the Cemetery and upon payment of said fee, such person

or persons shall be entitled to receive a license in the form of “Schedule A” attached hereto.

6. TRANSFER OF LICENSE

- 6.1** Where the holder of a license to use and occupy grave space wishes to transfer his right of use and occupancy to another person, he shall first provide the Clerk with full particulars of the name, address, occupation or other description of the person to whom the transfer is to be made and the consideration to be paid. The provision of such information shall not bind the District to accept or permit the proposed transfer.
- 6.2** If the license to be transferred relates to a grave space located in an area reserved under an agreement between the District and an organization pursuant to Section 5.1, the requirements concerning entitlement to burial in a reserved section of the Cemetery shall apply to the person to whom the transfer is to be made.
- 6.3** Upon receipt of the transfer fee prescribed in “Schedule B”, and upon compliance with the requirements of this bylaw by the license holder and the person whom the license is to be transferred, the Clerk shall effect the desired transfer by an endorsement upon the license to that effect and shall record the same in the records.
- 6.4** All licenses issued for the use of grave space in the Cemetery shall be subject to the provisions of this bylaw and all bylaws adopted by the District.
- 6.5** The District of Vanderhoof may repurchase any vacant grave space from the holder thereof for the amount paid for the grave space, exclusive of GST.

7. FEES AND CHARGES

- 7.1** Cemetery fees for interment, exhumation, use of grave space, care of graves and charges for goods offered for sale for use in the Cemetery shall be as set out in “Schedule B” to this bylaw.
- 7.2** The Cemetery fees set out in “Schedule B” shall be paid either in advance at the Municipal Office at the time of application or invoiced through the accounts receivable system.

8. SIZE OF GRAVE SPACES

Grave spaces shall be the following sizes:

Adult 1.5 m x 3.0 m (5' x 10')

Child 1.2 m x 2.1 m (4' x 7')

Infant .9 m x 1.5 m (3' x 5')

Cremated remains 0.76 m x 0.76 m (2 ½' x 2 ½')

9. INTERMENT

- 9.1** No person shall inter the body of a deceased person or inter cremated remains in the Cemetery except in compliance with the provisions of this bylaw.
- 9.2** No person shall inter the body of a deceased person or inter cremated remains within the municipal boundaries except pursuant to the terms of the *Cremation, Interment and Funeral Services Act* and its regulations.
- 9.3** No body other than a deceased human body shall be interred in the Cemetery and no interment of a body shall be made until a Cemetery license to inter the body has been obtained from the Municipal Office and the applicable fee for interment has been paid to the District.
- 9.4** All applications for a cemetery license for interment shall be made at the Municipal office between the hours of 8:30 am and 4:00 pm, Monday to Friday, except statutory holidays, and shall be in the form as set out in “Schedule A” to this bylaw.
- 9.5** Any person who makes application for a cemetery license for interment, or who requires interment to be made, shall provide to the Clerk a statement including the name, sex, age and address of the deceased, date and time of the funeral and such other information as may reasonably be required.
- 9.6** Any interments on Saturday or Sunday and Statutory holidays shall be subject to an additional service fee as set out in “Schedule B” to this bylaw.
- 9.7** No person shall inter any body in the Cemetery except between the hours of 8:00 am and 4:00 pm.
- 9.8** The holder of a cemetery license to use and occupy grave space in the Cemetery shall not allow or permit an interment to be made in the grave space to which the cemetery license refers, nor shall he transfer or dispose of the said grave space to another person, group or organization unless such interment or transfer has been made pursuant to provisions in this bylaw.
- 9.9** No vaults or other method of interment above ground level shall be permitted in the Cemetery.
- 9.10** A maximum of two interments may be permitted in each grave space in the Cemetery except in the case of cremated remains, where four cremated remains inurnments may be permitted in each adult size grave space.

- 9.11** Where two interments, not in the form of cremated remains, are to be placed in one grave space, the first body shall be buried in the grave at a lower depth than the second and each of the two burials shall conform to subsection 9.12. The applicant shall pay the applicable “deeper depth” fee as set out in “Schedule B” to this bylaw.
- 9.12** Each interment in the cemetery, other than the interment of cremated remains, shall provide for not less than one meter of earth between the lowest surface level of the ground at the gravesite and the upper surface of the grave liner enclosing the body.
- 9.13** A grave liner shall be required for each interment and shall consist of two side walls, two end walls and a cover sufficient to bridge the casket over its entire length.
- 9.14** Cremated remains shall be placed in an urn encased in a fiberglass liner; inurnment shall be not less than .3m deep.
- 9.15** The Operator shall not refuse to accept a cremation urn that is supplied by a person other than the Operator and the funeral provider and that meets the requirements of the *Health Act* regulations and the *Cremation, Interment and Funeral Services Act* regulations.
- 9.16** No grave shall be dug or opened by any person other than the Caretaker or other person duly authorized by the Caretaker.

10. EXHUMATION

The Caretaker shall not exhume human remains unless a written order has been obtained in accordance with Section 16 of the *Cremation, Interment and Funeral Services Act*.

11. CEMETERY CARETAKER

The duties of a Cemetery Caretaker shall be, among other things, to:

- 11.1** dig, prepare, open and close gravesites as ordered by the Clerk;
- 11.2** install memorial markers on the gravesites and construct their foundations;
- 11.3** carry out the general work of the Cemetery that is required to maintain it in a neat and tidy condition, including the maintenance of walls, fences, gates, paths and other Cemetery improvements;
- 11.4** care for the cemetery tools and equipment;
- 11.5** maintain records as required and do such other work as the Clerk may require from time to time in relation to the Cemetery operation.

12. ADMINISTRATION AND CARE FUND

12.1 Administration

- 12.1.1** The Clerk shall maintain records as necessary to the Administration and management of the Cemetery and as required by the regulations under the *Cremation, Interment and Funeral Services Act*;
- 12.1.2** The Clerk is authorized, on behalf of the District, to grant a license in the form of “Schedule A” in respect of any unoccupied and unlicensed grave space in the Cemetery, according to the fees and charges specified in Schedule “B” of this bylaw;
- 12.1.3** The Clerk shall issue all permits for interment required by this bylaw, except as otherwise provided.
- 12.1.4** Upon issuing any permits for interment in the Cemetery, or upon receiving an order for exhumation as required by Section 10 of this bylaw, the Clerk shall notify the caretaker before the time of the intended interment or exhumation, giving the name of the deceased and the number and location of the grave space concerned.

12.2 Cemetery Care Fund

- 12.2.1** A “Cemetery Care” fund shall be established and administered in accordance with the Part 7 of the *Cremation, Interment and Funeral Services Act* and in accordance with the procedures set out in this bylaw.
- 12.2.2** A bank account known as the “Cemetery Care Fund Account” shall be established into which all funds received for cemetery care purposes shall be deposited and held pending investment.
- 12.2.3** From all licenses for use of grave space sold, the Treasurer shall pay into the Cemetery Care Fund Account, the fee specified in Schedule “B”, except in cases where a different amount is approved by the Minister.
- 12.2.4** From the installation fee for each memorial marker installed, the Treasurer shall pay into the Cemetery Care Fund Account, the fee specified in Schedule “B”.
- 12.2.5** On all cemetery licenses for the use of grave space and on all contracts or agreements for the sale of such licenses, the amount required to be used for care fund purposes shall be specified.

- 12.2.6** Investment of funds received for care fund purposes shall be made as required by the *Cremation, Interment and Funeral Services Act*.
- 12.2.7** The income from the Cemetery Care Fund, including any interest, shall be used for the sole purpose of upkeep and maintenance of the property licensed and the Cemetery of which it forms a part and the original principal sum of such funds established from time to time, as herein provided, shall be maintained at all times.
- 12.2.8** A separate account of all monies received and expended under the provisions of this bylaw shall be kept by the Treasurer and any surplus remaining of receipts over expenditures shall be paid at the end of each financial year into a fund to be known as the Cemetery Fund and shall be invested in accordance with the provisions of the Community Charter and the interest derived from such investment shall be expended on the operation and development of the Cemetery.

13. FLOWERS AND WREATHS

- 13.1** No person other than an employee of the District, shall plant, remove, cut down or destroy trees, shrubs, plants, flowers, bulbs, fences or rocks in the Cemetery.
- 13.2** Cut flowers, wreaths and floral offerings may be placed on graves, but may be removed by the Caretaker when, in his opinion, their condition detracts from the beauty of the Cemetery.
- 13.3** Natural or artificial flowers may be placed in bases that are part of a monument at any time.

14. GENERAL PROVISIONS

- 14.1** No person shall drive a vehicle in the Cemetery at a speed exceeding 17 kilometers (10 mph).
- 14.2** All vehicle movements within the Cemetery shall be subject to the direction and orders of the Caretaker.
- 14.3** All persons and funeral processions in the Cemetery shall obey the reasonable instructions of the Caretaker.
- 14.4** Any person not behaving with proper decorum within the Cemetery or disturbing the quiet and good order of the Cemetery may be evicted by the Caretaker.

- 14.5 Any person who willfully destroys, cuts, breaks or injures any shrub or plant, or plays at any game or sport or who willfully or unlawfully disturbs persons assembled for the purpose of burying a body, or who commits a nuisance or deposits any rubbish or offensive matter or things in the Cemetery shall be guilty of an infraction of this bylaw and liable to the penalties provided for in this bylaw.
- 14.6 The discharging of firearms, other than at a military funeral, is prohibited in the Cemetery.
- 14.7 The Cemetery shall be open at seven 7:00 am every morning and closed at eight 8:00 pm every evening. Unless prior approval has been granted, no person shall enter or remain on Cemetery lands during the period outside of the hours that the Cemetery is open.

15. MEMORIAL MARKERS

- 15.1 No grave or grave space in the Cemetery shall be defined by a fence, hedge, or railing and no memorial marker other than a tablet type memorial may be installed on a grave.
- 15.2 A memorial marker may be installed on a grave in the Cemetery provided the installation fee as set out in Schedule “B” is paid to the District.
- 15.3 The installation fee paid as per subsection 15.2, shall include a contribution to the Cemetery Care Fund as specified in Schedule “B” and such contribution shall be paid by the Treasurer into the Cemetery Care Fund for investment.
- 15.4 The District, with its employees authorized to do so, shall maintain grave markers with respect to the natural settlement of the soil.
- 15.5 No person shall damage or deface any grave marker, monument, memorial, fence, gate, structure or any other improvement in the Cemetery.
- 15.6 The District shall not be responsible for damage to grave markers caused by natural weathering or deterioration, vandalism or faulty construction.
- 15.7 All memorial markers, whether flat or upright, shall be:
 - 15.7.1 supplied by the licensee;
 - 15.7.2 installed in accordance with Section 41 of the *Cremation, Interment and Funeral Services Act*;
 - 15.7.3 made of durable, weatherproof material, capable of resisting wear and decay; ie: concrete, cast bronze, stone or other such durable material.

15.7.4 placed on a concrete slab, provided by the District of Vanderhoof, and shall be placed with the top of the slab set flush with the ground level.

15.8 All upright memorials shall be securely fastened to a base that:

15.8.1 is of adequate dimensions and strength to resist tilting and permit the underlying soils to support the weight of the base and memorial; and

15.8.2 if, constructed of concrete, shall be made of a minimum of 3500 psi concrete

15.9 All stone memorial tablets shall be not less than 4" thick and shall have its side surfaces true and perpendicular with its top surface.

15.10 The maximum size of memorial markers and/or bases shall measure as follows:

	<u>Size</u>
adult size grave	76 cm x 120 cm (30" x 48")
child size grave	76 cm x 91 cm (30" x 36")
infant size grave	76 cm x 61 cm (30" x 24")
cremated remains size grave	46 cm x 46 cm (18" x 18")

15.11 The surface of the concrete slab shall measure as follows:

	<u>Size</u>
adult size grave	91 cm x 151 cm (36" x 59½")
child size grave	91 cm x 120 cm (36" x 47½")
infant size grave	91 cm x 75 cm (36" x 29½")
cremated remains size grave	75 cm x 75 cm (29½" x 29½")

15.12 Memorial markers shall be placed so that there is a minimum 15.24 cm (6") space from the perimeter of the marker or base to the edge of the gravesite.

15.13 Where two related persons are buried side by side in adjacent graves, one marker may be used instead of two separate markers provided the marker is set to embrace evenly the two graves concerned. The same setbacks are required as in Section 16.12, except at the common side of the gravesites, where no setback is required.

15.14 More than one marker may be placed on a gravesite, provided that the setbacks comply with Section 15.12 of this bylaw.

15.15 All grave covers shall be placed on a concrete slab measuring as follows:

adult grave site	151 cm x 303.5 cm (59 ½" x 119 ½")
child grave site	120.6 cm x 212 cm (47 ½" x 83 ½")
infant grave site	90.2 cm x 151 cm (35 ½" x 59 ½")

Grave covers shall comply with the setback requirements in Section 15.12 of this bylaw.

15.16 Memorial markers shall be placed at the top of the gravesite as determined by the Caretaker.

16. PENALTY

Any person who violates the provisions of this bylaw commits an offence and is liable, upon summary conviction, to a fine as provided in Section 62 of the *Cremation, Interment and Funeral Services Act*.

17. SEVERABILITY

If any section, subsection, sentence, clause or phrase in this bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of the bylaw.

18. REPEAL

The following District of Vanderhoof bylaws are hereby repealed:

- 18.1** District of Vanderhoof Cemetery Bylaw No. 643, 1988;
- 18.2** District of Vanderhoof Cemetery Amendment Bylaw No. 876, 1999 ; and
- 18.3** District of Vanderhoof Cemetery Amendment Bylaw No. 913, 2001.

19. CITATION

This bylaw shall be known as the District of Vanderhoof Cemetery Bylaw No. 974, 2004.

READ A FIRST TIME THIS 15th DAY OF September , 2004.

READ A SECOND TIME THIS 15th DAY OF September , 2004.

READ A THIRD TIME THIS 15th DAY OF September , 2004.

ADOPTED THIS 13th DAY OF October , 2004.

MAYOR

CORPORATE OFFICER

**SCHEDULE "A" TO BYLAW NO. 974, 2004
DISTRICT OF VANDERHOOF
CEMETERY LICENSE AND RECEIPT**

Date: _____, 20 ____.

In consideration of _____

(Address)

having paid \$ _____ being the fees for the use of grave space in Vanderhoof Cemetery, he/she is hereby granted license and permission to use and occupy grave space, in said Cemetery for the purpose of interment and in accordance with and subject to the Bylaw for the regulation of Vanderhoof Cemetery, which may, for the time being, be in force or any law applicable thereto in for in the Municipality of Vanderhoof. In granting this license the District of Vanderhoof undertakes to maintain a Cemetery Care Fund for maintenance of the grave space specified herein and the Cemetery of which it forms part, and will set aside in trust within the present calendar year for use of the Cemetery Care fund, a portion of the fee paid as herein, and the portion of said fees to be set aside for the purpose shall be as specified in Schedule "B" attached to Vanderhoof Cemetery bylaw.

Name of Applicant _____

Address of Applicant _____ Phone _____

Full Name of Deceased _____ Sex _____ BD _____

Address _____

Scheduled time for burial _____ a.m. or p.m. Scheduled date for burial _____

Interment [] yes Inurnment [] yes Plot Reservation [] yes

Plot Location: Section: _____ Block _____ Plot _____ Row _____

Comments: _____ Plot Fee \$ _____

Location of funeral service: _____ Time: _____ Care Fund \$ _____

Immediate family contact person: _____ Ph: _____ Open/Close \$ _____

Marker \$ _____ After hours/Weekend /Holiday \$ _____

Care Fund \$ _____ Double Depth \$ _____

Exhumation \$ _____ Grave Liner \$ _____

GST \$ _____ GST \$ _____

Subtotal \$ _____ Subtotal \$ _____

Total \$ _____

Municipal Clerk

** THIS LICENSE IS SUBJECT TO THE "CREMATION, INTERMENT AND FUNERAL SERVICES ACT" AND THE REGULATIONS MADE THEREUNDER**

DISTRICT OF VANDERHOOF

BYLAW NO. 974, 2004

SCHEDULE "B"

GRAVE SPACE

The fees for all grave spaces include a contribution to the Cemetery Care Fund.

	<u>Fee</u>	<u>Care Fund Contribution</u>
Adult size	\$ 230.00	\$ (57.50)
Adult size (non-resident)	340.00	(85.00)
Child size	150.00	(37.50)
Child size (non-resident)	250.00	(62.50)
Infant size	120.00	(30.00)
Infant size (non-resident)	230.00	(57.50)
Cremated remains	100.00	(25.00)
Cremated remains (non-resident)	150.00	(37.50)

GRAVE LINERS

Adult	200.00
Child	135.00
Cremation	80.00

SERVICES

Opening and closing grave for burial

Adult	270.00
Child	250.00
Infant	200.00
Cremated remains size	100.00

Opening and closing grave for exhumation

Adult	400.00
Child	400.00
Infant	400.00
Cremated remains size	270.00

ADDITIONAL COSTS

Deeper depth to permit second burial	110.00
Burials and grave closures after 4:00 pm on weekdays (1 hour minimum charge)	100.00 per hour
Burials on weekends and stats	270.00

BYLAW NO. 974, 2004

SCHEDULE "B"

(cont'd)

	<u>Fee</u>	<u>Care Fund Contribution</u>
<u>BASE</u>	\$ 80.00	
<u>TRANSFER OF LICENSE</u>	20.00	
<u>INSTALLATION OF MEMORIAL MARKERS</u>	180.00	18.00