



# THE DISTRICT OF HOPE

## BYLAW NO. 1269

*A Bylaw to provide for the regulation, operation, and maintenance of Cemeteries owned by the District of Hope*

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Whereas every operator of a cemetery must adopt Bylaws for the Interment or other disposition of the deceased; respecting the organization, operation and management of the cemetery, including the setting of Fees; the size, class and kind of Memorials and materials used for Memorials; and the rights, privileges and responsibilities of the operator, Interment Right Holders, and their relatives, other users, suppliers, Funeral Providers, Memorial dealers and the general public; and

Whereas the District of Hope, who owns and operates cemeteries, has established itself as a Board of Cemetery Trustees in accordance with the Cremation, Interment and Funeral Services Act; and

Whereas the Council of the District of Hope has delegated to the Director of Operations certain specific administrative powers of the Council relating to the operation and management of Cemeteries owned by the District of Hope;

Now therefore under its statutory powers, including the Community Charter, the District of Hope enacts the following provisions:

### TITLE

1. This Bylaw may be cited as the District of Hope "Cemetery Bylaw No. 1269", 2009.

### DEFINITIONS

2. In this Bylaw terms defined in the *Cremation, Interment and Funeral Services Act* and this bylaw shall have that meaning unless expressly defined otherwise herein, and the following words have the meaning ascribed to them unless the context otherwise requires:

"Administration Fee"	means fees levied to cover additional administrative costs associated with the transfer or surrender of a Right of Interment.
"Administrative Authority"	means the Business Practices and Consumer Protection Authority established under the <i>Business Practices and Consumer Protection Authority Act, S.B.C. 2004 C.3.</i>
"Administrator"	means the Director of Operations or duly appointed designate.
"Applicant"	means an individual who has made petition to the District for a Right of Interment.
"Burial Vault"	means a protective, sealable outer receptacle, into which a casket or Urn is placed, designed to restrict the entrance of gravesite elements into the casket or Urn.
"Caretaker"	means the person duly authorized by the Administrator to perform Interments and to care for and maintain the Cemeteries.

“Cemetery”	means and includes any parcel or tract of land owned, used, or maintained by the District of Hope as a cemetery either within or without the Municipality.
“Cemetery Policy”	means the written guidelines and procedures for office and field operations established by the Administrator and utilized for management of cemeteries.
“Child”	means a person between the ages of four (4) and twelve (12) years of age.
“CIFSA”	means the <i>Cremation, Interment and Funeral Services Act, S.B.C. 2004, C.35</i> administered by the Administrative Authority, as may be amended or superseded from time to time and all regulations made there under.
“District”	means the District of Hope
“Columbarium”	means a structure or building or an area in a structure or building that contains, as an integral part of the structure or building or as freestanding sections, Niches for the interment of cremated remains.
“Co-mingled”	means the intentional mixing of the cremated remains of more than one deceased person.
“Control of Disposition”	means the person or agency as defined in the CIFSA who has the authority to control the disposition of the human remains or cremated remains.
“Council”	means the Council of the District of Hope.
“Cremated Remains”	means the human bone fragments that remain after cremation that may also include the residue or any other materials cremated with the Human Remains.
“Cremation Liner”	means a receptacle made of durable material placed in a ground cremation lot to encase an urn, or urns, holding cremated remains.
“Disinterment”	means the removal of human remains for viewing or for examination, whether in or removed from the lot in which the human remains had been interred.
“Exhumation”	means the exposure of interred human remains for viewing or for examination, whether in or removed from the lot in which human remains have been interred.
“Family Estate Columbarium”	means a structure, similar in appearance to an upright monument that accommodates cremated remains of the same family, or other individuals as approved by the Interment Right Holder according to CIFSA.
“Family Member”	means a parent or stepparent, a grandparent or step grandparent, a sibling (natural, adopted or step), a spouse, a child (natural, adopted or step) or a grandchild (natural, adopted or step).

“Fees”	means the schedule of fees as prescribed in the current District of Hope Fees and Charges Bylaw.
“Funeral Provider”	means an individual licensed to arrange, conduct or direct funerals or the transfer or disposition of human remains, or to arrange burials.
“Grave Liner”	means a receptacle made of durable material placed around the casket to provide reinforcement to the lot. A grave liner may, or may not, have a bottom and is placed during the burial process.
“Holiday”	means any of the following days, namely New Year’s Day, Good Friday, Easter Monday, Victoria Day, Canada Day, BC Day, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day, Boxing Day, and any day or part of a day proclaimed a civic holiday.
“Human Remains”	means a dead human body in any stage of decomposition, but does not include cremated remains.
“Interment”	means the disposition by: <ul style="list-style-type: none"> <li>a) burial of human remains or human cremated remains in a lot;</li> <li>b) Inurnment of cremated remains in a columbarium; or</li> <li>c) Placement of cremated remains in a scattering garden or ossuary.</li> </ul>
“Interment Right Holder”	means a person who holds a right of interment.
“Interment Authorization”	means a document completed at time of need that may include statistical, executor and next of kin information that authorizes interment of the deceased by the person with control of disposition.
“Inurnment”	means the process of placing cremated remains in a receptacle, such as an urn, and the placement of that receptacle into a niche.
“Lot”	means a discrete space used, or intended to be used in a cemetery, for the interment of human remains or cremated remains under a right of interment and includes a grave, crypt, niche or plot.
“Maintenance Fund”	means an irrevocable trust fund established, held and administered in accordance with CIFSA for the purpose of financing the future maintenance and care of a cemetery once all lots are occupied or reserved.
“Medical Health Officer”	means the person duly appointed from time to time by the Council as the Medical Health Officer for the District.
“Memorial”	means a structure installed at the cemetery to identify and commemorate a deceased person that may, or may not, be interred at the cemetery. This includes, but is not limited to, markers, tablets, monuments, pillows and plaques.
“Niche”	means a space, usually within a columbarium, designed for the inurnment of cremated remains.

“Ossuary”	means a receptacle, usually located below ground, for the placement of non-recoverable, co-mingled cremated remains.
“Right of Interment”	means a certificate that provides for the future right to inter human remains or cremated remains in a designated lot.
“Scattering”	means the non-recoverable dispersal of cremated remains over a defined area of a cemetery.
“Spouse”	as defined in CIFSA
“Urn”	means any receptacle, temporary or permanent, used for the encasement of cremated remains.
“Veteran”	means a person who is fully qualified (Military Occupation Class, MOC) and serving or who has honourably served, one year minimum, in the Armed Forces of Canada, the Commonwealth or its wartime allies or who has served in the Merchant Navy or Ferry Command during wartime.

**APPLICATION OF THE BY-LAW**

3. Subject to any contrary provisions in the CIFSA, this Bylaw applies to all cemeteries operated by the District and to all additional real and personal property, within or without the District of Hope, which may hereafter be acquired and held by the District for use as a District cemetery, and shall be observed for interment of the human deceased, and for their management, operation and preservation and the terms, conditions and fees set out shall apply to every right of interment within the cemeteries. The administration of the cemeteries shall be carried out in conformity with the administrative authority and CIFSA.
4. The following described real properties are set aside, held, laid out, developed, improved, used and maintained, as District owned cemeteries and dedicated for that use, and shall continue to be used, operated, and maintained for that purpose and shall not be used for any other purpose:
  - a) Mountainview Cemetery  
Lot C, Section 11, Township 5, Range 26, West of the 6<sup>th</sup> Meridian,  
Plan 5261, YDYD
  - b) Old Town of Hope Cemetery (Heritage)  
Lot 7, Section 16, Plan 5574
5. Council shall have power to determine from time to time the size and layouts of the lots, the developments and improvements to be carried out and made in and to the cemeteries, subject to compliance with the requirements of CIFSA.

**ADMINISTRATION OF BY-LAW**

6. The Administrator is responsible for the general administration of the Bylaw and will:
  - a) maintain all records and information for the administration, operation, maintenance and management of the cemetery as is required by the administrative authority under CIFSA:

- b) issue all rights of interment and permits required and authorized by this bylaw, except as otherwise provided in this bylaw; and
- c) establish cemetery policy

## **RIGHT OF INTERMENT**

7. The District may, subject to payment of fees, grant to any person a right of interment for a vacant, unreserved lot. A right of interment does not vest in the holder any title or interest in the land or lot but instead provides for the right to inter the person named on the right of interment certificate.
8. The issuance of a right of interment does not entitle the holder to require the District to inter the human remains or cremated remains of the designated person in the lot unless the holder complies in all respects with the provisions of the bylaw, including, without limitation, the payment of all fees related to the interment.
9. A right of interment for any unused lots may be transferred to a family member at the discretion of the Administrator. The interment right holder or executor must supply this request in writing and the original interment right must be surrendered to the District. Fees, payable to the District, associated with an interment right transfer may include:
  - a) an administration fee;
  - b) the difference between fees paid originally and current fees if there has been a change in residency status; and
  - c) The difference between fees paid originally and current fees if there have been changes in fee rates.
10. An interment right holder shall either reserve the right to use that lot for themselves or authorize another person to be interred in the lot to which the interment right refers. An interment right holder may only designate one lot for their own use.
11. A right of interment may be surrendered to the District at the discretion of the Administrator. A refund, equal to the purchase price less the maintenance fund contributions, will be issued to the interment right holder provided:
  - a) There are no interments in the designated lot;
  - b) The interment right holder or his executor provides written notice to the District for intent to surrender the right;
  - c) The original license or right of interment is surrendered;
  - d) An administration fee is paid; and
  - e) Any fees associated with the removal of any memorial that is on, or embracing the surrendered lot, is paid.
12. The District may, by agreement with a society, church or other organization, and upon payment of the agreed upon fees, reserve a section of a cemetery to be used exclusively for the interment and/or inurnment of deceased members of the society, church or other organization concerned. Upon such an agreement being made, no person shall be interred in the reserved section without the written authorization of the society, church or other organization.

13. Upon approval of the Administrative Authority a right of interment may be reclaimed by the District if:
  - a) The interment right holder would be at least 90 years of age;
  - b) A minimum period of 50 years has elapsed from the date of purchase;
  - c) A minimum 90 days has passed since notice of intent to reclaim has been sent to the interment right holder;
  - d) The District has made diligent attempts to contact the interment right holder.

## INTERMENTS

14. An interment shall be made within the cemetery once the person with the control of disposition has completed and duly signed an interment authorization and paid all applicable fees.
15. Only human remains, or cremated remains of a human body, shall be interred and memorialized in the cemeteries.
16. Interments:
  - a) Shall only be performed within the cemetery by the caretaker;
  - b) Shall only be conducted in predefined lots approved by the administrative authority and;
  - c) Shall be conducted with all reasonable care and attention.
17. The District and its caretaker are not responsible for damage to any casket, urn or other container, sustained during an interment or disinterment, except where such damage is caused by gross negligence of the District and its caretaker.
18. Application for an interment authorization shall be made at least forty-eight (48) hours before the interment is to take place. The administrator may schedule the interment in a shorter time frame subject to full compliance with all other applicable provisions of this bylaw.
19. The interment of cremated remains is to be completed within 30 days of all fees being paid.
20. The bodies of persons who have died having any infectious disease, as defined in the *Health Act R.S.B.C. 1996, C179*, shall be interred within thirty-six (36) hours after death occurs and the Medical Health Officer shall furnish the Administrator with specific instructions respecting interment and the safety of all persons who may come into contact with the casket or container bearing the human remains in each case. The Administrator shall ensure that the instructions of the Medical Health Officer are carried out in the preparation and placement of the interment. When an interment for a person with an infectious disease needs to occur outside regular working hours, authorization is required by the Administrator and the Medical Health Officer's instructions must be carried out.
21. The following apply to all in-ground interments:
  - a) A grave liner or burial vault is required for each in-ground burial interment
  - b) A cremation liner is required for each in-ground cremation interment

- c) All cremated remains must be interred in a sealed container constructed of permanent, durable material approved by the Administrator.
  - d) The Administrator may allow for the interment of up to four (4) cremated remains on the full-size or child size lot provided there is no objection to the interment of cremated remains by next of kin, as defined in the CIFSA.
  - e) No casket burial is permitted in a full-size or child lot after cremated remains have been interred in that lot. Cremated remains placed on a full-size burial lot are not co-mingled.
  - f) Each cremation lot may hold up to two (2) cremated remains.
  - g) The Administrator must supply permission for the purchase of any grave liner or burial vault from a source other than the District, with permission based on the item's size, design, material and construction. The installation of grave liners or burial vaults will be subject to a handling fee and must be paid in full prior to installation. The Administrator may request that grave liners or burial vaults be installed by their supplier, under the supervision of the caretaker, with the installation at the applicant's expense.
  - h) Any charges incurred by the cemetery above and beyond the standard scope of services, in the handling of grave liners or burial vaults not supplied by the District will be charged to the applicant and paid prior to interment.
22. Cremated remains placed in a columbarium must be enclosed in a sealed container or urn constructed of permanent, durable material approved by the Administrator.
23. Cremated remains placed in an ossuary are permanent, non-recoverable and co-mingled. Placement of cremated remains in the ossuary will only be performed by the caretaker.
24. Scattering of cremated remains is permanent and non-recoverable and is permitted only in designated locations and under the supervision of the caretaker.
25. Interments shall be performed within the following hours, or at other times approved by the Administrator:
- a) In-ground casket burial – 9.30 am to 3.30 pm, Monday to Friday
  - b) Interment of cremated remains – 9.00 am to 3.30 pm, Monday to Friday
  - c) The Administrator may schedule Saturday, Sunday or Statutory Holiday interments subject to the payment of additional fees and availability of the caretaker.
  - d) The person with control of disposition shall be responsible for any late fees if the human remains or cremated remains are delivered to the cemetery outside of the above prescribed times.
26. Families may request permission to witness the interment process at the cemetery subject to the following criteria:
- a) A request to witness the interment must be communicated to the Administrator when confirming interment date and time.
  - b) The District will not be held liable for any injury to members of the public that are attending or witnessing an interment process.
  - c) All proceedings at the interment site shall be under the sole direction of the caretaker.

27. The Administrator may permit the interment of a spouse of a veteran on a veteran's lot in designated veteran's sections, provided that the interment authorization is completed and fees are paid to the District.

## **EXHUMATIONS AND DISINTERMENTS**

28. Pursuant to the CIFSA a cemetery must not exhume or disinter human remains or cremated remains until:
- a) The Administrator receives a written request to do so from the person who has the control of disposition of remains;
  - b) Approval of the exhumation by the administrative authority is received by the Administrator;
  - c) The Administrator gives written notice to, and receives permission from, a Medical Health Officer for the area of the health region in which the cemetery is located when the human remains are those of a person who, at the time of death, was known to have had an infectious or contagious disease or other disease dangerous to public health; and
  - d) Payment of the prescribed fee is received, or acceptable payment arrangements have been made with the Administrator;
29. The District shall exercise all due care and attention in making an exhumation or disinterment but is not responsible for damage to any casket, urn or other container sustained during exhumation or disinterment.
30. The District's responsibility with respect to exhumation and disinterment is limited to:
- a) Excavation of sufficient quantities of soil to permit access to the human or cremated remains;
  - b) Removal of intact burial containers; and
  - c) Closure of the lot.
31. In accordance with the CIFSA, a funeral provider employed at the expense of the interment right holder or their successors is required for the handling of any human remains in the existing lot or any transfer of the remains to the new lot or location.

## **MEMORIALS**

32. Memorials will only be installed, removed or modified in the cemetery when:
- a) An interment right holder or authorized representative, or a person authorized by the Administrator, has made application to the Administrator;
  - b) The applicable contribution is paid to the maintenance fund as required in the CIFSA; and
  - c) All outstanding fees relating to the lot, interment and memorial installation have been paid in full.
33. All memorials shall only be placed, installed or removed by the caretaker or other person authorized by the Administrator. All memorials shall conform to the approved plan of the cemetery and its sections, and shall be constructed of granite or bronze or other material(s) of a permanent nature as approved by the Administrator. All memorials shall conform to the specifications set out in Schedule "A".



34. Installation of memorials shall occur during regular business hours. Installations will be made as soon as possible after delivery of the memorial to the District and timelines may vary depending on scheduling issues, weather conditions and ground conditions.
35. The District shall not be held liable for, or be obliged to repair, any breakage or damage to any memorial in the cemetery, except as shall arise as the result of the negligence of the caretaker.
36. The interment right holder, or the deceased's descendants, is required to keep in proper repair, at their expense and to the satisfaction of the District, all memorials upon their lot. Should any memorial or lot adornment erected in the cemetery fall into a state of disrepair, then the Administrator will document the condition and have the memorial or lot adornment removed from the cemetery, in each case at the expense of the lot holder or their successors. Interment right holders may request that the District make repairs. All costs associated with the repairs will be borne by the interment right holder.

#### **GROUND INTERMENT MEMORIALS**

37. Ground interment memorials, including those for cremation lots, shall be installed flush with the ground.
38. A memorial permit shall be issued by the Administrator to authorize installation of all ground interment memorials not supplied by the District.
39. The Administrator may refuse to issue a permit to the applicant if the applicant has failed to comply with the requirements of this bylaw. The Administrator may reject memorials, despite the prior issuance of a memorial permit, when the memorial does not comply with the specifications in this bylaw, is not in keeping with the standards of the cemetery, or contains epitaphs deemed inappropriate by the Administrator, including reference to pets.
40. The finished dimensions of a granite memorial or a bronze memorial attached to granite or concrete base shall be in accordance with the attached Schedule "A".

#### **CREMATION MEMORIALS**

41. Cremation memorials apply to any bronze plaque for use on a columbarium, memorial board or memorial pillow but do not include memorials for in-ground cremation interments.
42. Bronze plaques for cremation memorials shall be supplied and installed by the District to conform to the approved design and specifications of the applicable section of the cemetery as established by the District.
43. Where incorrect inscription instructions, dimensions, specifications or locations are given on the memorial installation application and signed by the interment right holder, their successors or the cremation memorial supplier, then the cremation memorial shall be removed and reinstalled at the expense of the interment right holder or their successors.

## **FAMILY ESTATE COLUMBARIUM**

44. A family estate columbarium, upon request, shall be supplied and installed by the District to conform to the approved design and specifications of the applicable section of the cemetery.

## **GENERAL PROVISIONS AND REGULATIONS**

45. Every person, including those in funeral processions, when entering and while within a cemetery, shall obey the instructions of the caretaker. Any person not behaving with proper decorum within a cemetery or who disturbs the peace, quiet and good order of a cemetery may be evicted by the caretaker, and in addition, shall be guilty of an infraction of this bylaw.
46. No person shall discharge any firearm within a cemetery, except at military funerals where the discharge of firearms is permitted only in regular volleys, under the command of an officer in charge, and only during the conduct of the burial service.
47. Each cemetery shall be open to the public at seven o'clock (7.00 am) every morning and closed to the public at thirty minutes after sunset.
48. Cemetery roadways are for the exclusive use of interment possessions, cemetery patrons, or others as approved by the Administrator. Vehicles shall not exceed twenty (20) kilometers per hour. All operators of vehicles shall at any times obey the directions and orders of the caretaker.
49. No person owning or having custody, care or control of a dog shall allow the dog to be within a cemetery unless the dog is kept on a leash of a maximum length of three (3) metres.
50. No person owning or having custody, care or control of a dog shall allow the dog to deposit excrement within a cemetery unless that person immediately removes the excrement and disposes of it in a sanitary manner.
51. Only one (1) flower container, of the types supplied by the District and installed by the caretaker, or approved by the Administrator, shall be allowed and set in each lot, except those vases that are part of an approved memorial.
52. Cut and artificial flowers, wreaths and floral tokens (tributes) may be placed on lots in a cemetery, but may be removed by the caretaker and disposed of, when their condition is considered to be detrimental to the appearance or beauty of the cemetery. Plant material and grave adornments associated with seasonal events or celebrations will be removed 30 days after the event by the caretaker.
53. No person, other than the caretaker, shall plant, remove, cut down or destroy any tree, shrub, plant, flower, bulb or decorative feature within a cemetery.
54. No ground lot shall be defined by a fence, railing, coping, hedge or by any other marking except as permitted in the memorial provisions of this bylaw.

55. No person, other than the Administrator, shall solicit orders for goods or services within a cemetery.
56. No person shall destroy, damage or deface any lot, memorial, fence, vegetation, gate or any structure in a cemetery or injure or destroy any cemetery improvements.
57. No person shall deposit any rubbish or offensive material within a cemetery.
58. No person shall play at any game or sport within a cemetery.

#### **MAINTENANCE FUND**

59. A maintenance fund for the future maintenance and care of the cemetery and the lots therein is hereby established, set aside and maintained. All monies in the maintenance fund will be held and invested as reserve funds by the District and in accordance with the requirements of the CIFSA.
60. The maintenance fund will be maintained with the District's bankers in an account to be designated as the "Cemetery Care Fund". The Administrator and Director of Finance will be responsible for all deposits to such account and for ensuring that;
  - a) The account at all times complies with the provisions of the CIFSA;
  - b) Any investment at all times complies with the provisions of the CIFSA; the Local Government Act, the Community Charter and this bylaw; and
  - c) Any interest earned on the investments of the Cemetery Care Fund may be used for maintenance and care of the cemeteries in the year in which the interest and income is earned, or may be retained in the fund to increase the principal sum.
61. The Administrator may, on behalf of the District, accept voluntary payments to the Cemetery Care Fund from any person or organization.
62. The principal sum of the Cemetery Care Fund will not be reduced other than in accordance with an order from the administrative authority pursuant to the CIFSA.

#### **PENALTY FOR INFRACTIONS**

63. Every person who violates any of the provisions of this bylaw, or who suffers or permits any acts or thing to be done in contravention of this bylaw, or who refuses, omits or neglects to fulfill, observe, carry out or perform any duty or obligation imposed by this bylaw, shall be liable on summary conviction to a penalty of not less than \$50 and not more than \$2,000 plus the cost of the prosecution, or to a term of imprisonment not exceeding three (3) months, or both.


#### **COMMENCEMENT AND TRANSITIONAL PROVISIONS**


64. This bylaw will come into force on April 1, 2009
65. If an interment has been arranged, and fees paid before March 31, 2009, for an interment occurring after April 1, 2009 no further charges related to that interment shall be levied.

**REPEAL OF PRIOR BY-LAWS**

66. "District of Hope Cemetery Bylaw No. 1005, 1998", and Cemetery Amendment Bylaw, 2001, No. 1086, are hereby repealed.

Read for a first time this 9<sup>th</sup> day of March, 2009.  
Read for a second time this 9<sup>th</sup> day of, March, 2009.  
Read for a third time this 9<sup>th</sup> day of March, 2009.  
Adopted this 23<sup>rd</sup> day of March, 2009.

  
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Mayor

  
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Corporate Officer