

TOWN OF PORT MCNEILL

CEMETERY BYLAW NO. 582, 2006

A bylaw to regulate the operation and maintenance of the Port McNeill Cemetery.

The Council of the Town of Port McNeill, in open meeting assembled, ENACTS as follows:

1. In this bylaw, unless the context otherwise requires:

Town	shall mean the Corporation of the Town of Port McNeill
Mayor	shall include the Acting Mayor
Administrator	shall mean the person duly appointed as such from time to time by the Council
Treasurer	shall mean the person duly appointed as such from time to time by the Council
Medical Health Officer and Health Officer	shall mean the person duly appointed from time to time by the Ministry of Health or Vancouver Island Health Authority to act as Medical Health Officer for the Town of Port McNeill
Caretaker	shall mean the person or persons duly appointed or employed by the Town from time to time as Caretaker or Caretakers of the Cemetery or Cemeteries of Port McNeill
Cremated Remains	shall mean the remains resulting from cremation of a deceased human body
Cemetery	shall mean and include any parcel or tract of land set aside, used, maintained or operated as a cemetery by the Town of Port McNeill
Minister	shall mean that member of the Executive Council charged by Order of the Lieutenant Governor in Council with administration of the Cemetery Act and includes a person designated in writing by the Minister
Infant	shall mean any person up to the age of one year
Child	shall mean any person one year old up to and including 12 years of age
Non-resident	shall mean any person who has not lived within the Municipal limits for more than five years

The use of words signifying the masculine shall include the feminine.

2. The following lands have been set aside, operated, used or maintained as a cemetery by the Town:

Forest Memorial Cemetery legally described as being Block A of the North West ¼, Section 7, Township 1, Rupert District, Plan 39T 1302.

3. A copy of the plans of the cemetery shall be filed with the Minister and copies shall also be kept available for public inspection in the Municipal Office and at such other places as may be deemed necessary.

LICENSE TO USE THE CEMETERY

4. The Council 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 agreement being made, no person shall be issued with a license to use grave space in the reserved section, unless his application to the Town 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 Town under these conditions shall be subject to payment at the regular rates set forth in the schedule of rates attached hereto as "Schedule C".
5. The Council may grant to any person paying the fees therefore, according to the scale of fees hereinafter provided and subject to the terms of Section 4 hereof, 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 therefore, such person or persons shall be entitled to receive a license in the form of "Schedule A" attached hereto and forming part of this bylaw.
6. The Council reserves to itself the right to refuse to sell the use of more than two grave spaces to any one individual.
- 7.1 Where the holder of a license to use and occupy grave space in the cemetery wishes to transfer his right of use and occupancy to another person, he shall first provide the Administrator with full particulars of the name, address and other description of the person to whom the transfer is to be made, the consideration to be paid therefore and such other information as the Administrator may reasonably request. The provision of such information shall not bind the Town to accept or permit the proposed transfer.
- 7.2 If the license to be transferred relates to a grave space located in an area reserved under an agreement made between the Council and an organization pursuant to Section 4 hereof, the requirements of said Section 4 concerning entitlement to burial in a reserved section of the cemetery shall apply to the person to whom the transfer is to be made.
- 7.3 Upon acceptance by the Town of the transfer fee prescribed in "Schedule C" to this bylaw, and upon compliance with the requirements

of this bylaw by the license holder and the person to whom the license is to be transferred, the Administrator shall effect the desired transfer by an endorsement upon the license and shall record the transfer in the books or other records kept by him for that purpose.

8. All licenses issued for use of grave space in the cemetery shall be subject to the provisions of this bylaw and all bylaws now or thereafter to be passed by the Council.

FEES AND CHARGES

- 9.1 The fees for interment, disinterment, use of grave space, and care of graves, and charges for goods offered for sale by the Town for use in the cemetery, and any other cemetery fees shall be those set out in "Schedule C" attached hereto and forming part of this bylaw.
- 9.2 The fees set in "Schedule C" of this bylaw shall be paid at the Town office at the time of purchasing a cemetery license, interment permit, or any goods or services sold by the Town in connection with the operation of the cemetery.

SIZE OF GRAVE SPACES

10. The size of grave spaces shall be:

Adult: 1.22 m x 3.05 m
(4' x 10')

Cremated Remains: .76 m x .76 m
(2.5' x 2.5')

NOTE: The size of grave space is only suggested, area may vary in cemetery according to soil conditions, etc. Adult grave spaces will be used for the burial of infants and children at the reduced charge listed in Schedule "C".

PERMISSION TO INTER, EXHUME AND CREMATE

11. No body shall be interred in the cemetery until a permit to inter the body has been obtained from the Town and the fee for interment as specified in "Schedule C" hereof has been paid to the Town, except as may be permitted otherwise under the terms of Section 16.
12. All permits for interment of deceased persons in the cemetery shall be in the form of "Schedule B" attached hereto and forming part of this bylaw.
13. All applications for a permit to inter in the cemetery must be made to the Administrator at the Town office during regular office hours on all days of the week except Saturday, Sunday, Statutory Holidays, and in cases of emergency as described in Section 16.
14. Any person who makes application for an interment permit or who

requires an interment to be made, shall provide the Administrator with a statement of the name, age and date of death of the deceased, whether or not death was caused by a communicable disease as listed in Division 7 of the "Regulations for the Control of Communicable Diseases" made under the "Health Act", the time and date of the funeral and any other information which it is reasonable for the Administrator to request.

15. No person shall be granted a permit to inter in an area of the cemetery which Council has reserved under the provisions of Section 4 hereof for burial of members of a church, society, or other organization, except where the applicant for the permit furnishes the Administrator with a Certificate from the organization for whom the area has been reserved, stating that the deceased person for whom the permit is required is entitled to burial in the reserved area.
- 16.1 Where the Health Officer so directs, pursuant to the "Regulations for the Control of Communicable Diseases" or otherwise, that a body be buried in the cemetery during any period when the Town's offices are closed, permission to inter in the cemetery shall be obtained from the caretaker.
- 16.2 Where a burial in the cemetery is performed under the conditions of section 16.1, the person who permitted the burial and the person who performed the burial shall report the matter to the Administrator with full details of the deceased as required by Section 14 hereof together with such fees as may be required in accordance with "Schedule C", if such fees have not already been paid.
- 16.3 The information required to be given to the Administrator under the terms of section 16.2 shall be provided to the Administrator as soon after such interment as the Town's offices are opened.
17. No deceased person interred in the cemetery shall be exhumed without a written order being first obtained from the proper authority as detailed in Section 8 of the Cemetery Act (R.S.B.C. Chapter 45).
18. It shall be unlawful to bury or cremate a deceased person within the Municipal boundary or cemetery of the Town except pursuant to the terms of the Cremation Act, the Cemetery Act and the Regulations there under.

INTERMENT IN THE CEMETERY

19. No body, other than a deceased human body, or the cremated remains or other remains of a deceased human body shall be interred in the cemetery and all interments shall be subject to and comply with the provisions of this bylaw.
20. The holder of a license to use and occupy grave space in the cemetery shall not permit an interment to be made in the grave space to which the license refers, nor transfer or dispose of the said grave space to another person, group or organization, unless such interment, transfer or disposal is made pursuant to and subject to the provisions of this bylaw.

- 21.1 Where the body of a person who died while suffering a communicable disease is to be buried in the cemetery, any instruction given by the Health Officer respecting the interment shall be fully and carefully followed by those who perform the interment.
- 21.2 Where the body delivered to the cemetery for interment is subject to direction of the Health Officer under the terms of Division 7 of the "Regulations for the Control of Communicable Diseases" made under the "Health Act", the person delivering the body to the cemetery shall inform the Caretaker.
- 22.1 Each interment in the cemetery, other than the interment of cremated remains, shall provide for not less than one meter (3 feet) of earth between the general surface level of the ground at the grave site and the upper surface of the vault, casket or non-decomposing vault enclosing the body resting in the grave.
- 22.2 Two interments may be permitted in each grave space in the cemetery, provided the first interment has been made at a double depth level, except in those areas of the cemetery reserved exclusively for the burial of cremated remains where one interment of cremated remains only shall be permitted in each grave space.
- 22.3 Where two interments are permitted in one grave space, and each interment is in respect to a body not in the form of cremated remains, the first body shall be buried in the grave at a lower depth than the second and each of the two burials in the grave shall conform to the requirements of section 22.1.
- 22.4 Each interment of cremated remains in the cemetery shall be made in a container encased in a non decomposing liner, and shall be buried in the grave not less than 0.6 m (2') deep, except where the concrete encased container of cremated remains is used as a foundation-base for a tablet memorial installed on the grave according to the requirements of Section 36.
- 22.5 A non decomposing liner shall be used for each interment, except where a concrete or steel vault is used or cremated remains are interred according to the requirements of section 22.4.
- 22.6 Each grave liner used in the cemetery shall be made of non decomposing material and shall consist of two side walls, two end walls and a cover sufficient to bridge the coffin or casket over its entire length.
23. No person shall inter any body in the cemetery except between the hours of eight (8) o'clock in the forenoon and five (5) o'clock in the afternoon.
24. No person shall inter any body in the cemetery on Saturday or Sunday or any statutory holiday unless the written permission of the Administrator is first obtained, except in the emergency conditions as specified in Section 16 hereof.

25. No grave shall be dug or opened by any person other than the caretaker or a person duly authorized by the Caretaker or by the Administrator.

CEMETERY CARETAKER

- 26.1 Council may authorize the appointment of a cemetery caretaker and the duties and responsibilities of a caretaker so appointed shall be, among other things, to carry out, or cause to be carried out by cemetery workforce placed under their supervision:
- a) The digging, preparation, opening and closing of graves as ordered by the Administrator.
 - b) The direction of all funerals in the cemetery to the correct grave site.
 - c) The installation of memorial tablets, markers and monuments on graves and construction of their foundations or bases.
 - d) The general work of the cemetery, to maintain it in a neat, tidy condition, including maintenance of walls, fences, gates, paths and other cemetery improvements.
 - e) The provisions for care of the cemetery tools and equipment.
- 26.2 The caretaker shall maintain records as directed by the Administrator and shall submit reports as required by him and shall do such other work as the Administrator may require from time to time in relation to the cemetery operation.

ADMINISTRATION AND CARE FUND

27. The Administrator shall maintain records as necessary for the administration and management of the cemetery and as required by Division Eleven (11) of the Regulations under the "Cemetery Act".
28. The Administrator is hereby authorized on behalf of the Municipality and subject to the provisions of this bylaw to grant a license in the form set out in "Schedule A" hereof in respect of any unoccupied and unlicensed grave space in the cemetery.
29. The Administrator shall issue all permits for interment required by this bylaw except as otherwise provided herein.
30. Upon issuing any permits for interment in the cemetery, or upon viewing an order for exhumation, from the proper authority as required by Section 17 hereof, the Administrator shall notify the Caretaker before the time of the intended interment or exhumation, giving the name of the deceased, the number and location of the grave space concerned and any instruction of the Health Officer relative to the interment or exhumation.
- 31.1 A fund shall be established to be known as "The Cemetery Care Fund" and such fund shall be administered in accordance with the requirements

of the Regulations made under the "Cemetery Act" for the establishment and administration of a Municipal Cemetery Care Fund and in accordance with the procedures hereinafter set out.

- 31.2 An account shall be established to be known as "The Cemetery Care Fund Account" into which the Treasurer shall pay all funds received for Care Fund purposes and all such funds shall be deposited in said account, and there held, pending investment as hereinafter provided.
- 31.3 On all licenses for use of grave space sold, the Treasurer shall pay into "The Cemetery Care Fund Account" from the amount received for each license sold at the fee specified in "Schedule C" hereof.
- 31.4 On all 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.
- 31.5 Any owner of a memorial marker, tablet, monument, memorial or curbing desiring to install same in the cemetery, shall pay to the Administrator, prior to the installation of such memorial or memorials and curbing, ten dollars, as a contribution to the "Cemetery Care Fund", and such amounts, when received, shall be paid by the Treasurer into "The Cemetery Care Fund Account" for investment as hereinafter provided.
- 31.6 Investment of funds received for Care Fund purposes shall be made as required by the Regulations under the "Cemetery Act" applicable to Municipal Cemetery Care Funds.
- 31.7 The income from the "Cemetery Care Fund", including any appreciation thereof, shall be used for the sole purpose of upkeep and maintenance of the property licensed, and the cemetery of which it forms a part.
- 31.8 The principal sum of the "Cemetery Care Fund" shall not be reduced otherwise than in accordance with an order of the Minister made pursuant to the Regulations under the "Cemetery Act".
32. A separate account of all monies received under the provisions of this bylaw and of all monies expended hereunder 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 same shall be invested by the Town in accordance with the provisions of the "Municipal Act" and the interest derived from such investment shall be expended on the upkeep and development of the cemetery.

MEMORIALS

35. No person shall place on any grave space in the cemetery a memorial marker or tablet until an amount as detailed in Schedule "A" has been paid to the Administrator for Care Fund purposes in respect to each memorial or tablet which it is desired to install.

36. No grave or grave space in the cemetery shall be defined by a fence, hedge, or railing, and no memorial other than a tablet type memorial, as specified in Section 35, may be installed on a grave, except, Block A, Lots 43-52 and Block C, Lots 1-25 where a memorial different from that required by Section 36 may be installed, provided permission for such installation is first obtained from the Town and a foundation for the memorial is constructed according to the specifications of the Town Engineer and Caretaker, and the required fees paid.

37. A tablet type memorial may be installed on a grave in the cemetery provided the installation fee, as set out in "Schedule C" hereto, is paid and the tablet is made of stone or bronze and conforms to the following:

- a) Each memorial tablet shall be installed in a position on the grave according to that established by the Town for memorials on graves in the cemetery and shall have its top surface set level and flush with the surface of the surrounding ground.
- b) Each bronze memorial tablet shall be attached to a concrete base not less than 10 cm (4") thick, with side surfaces true and perpendicular with the top surface of the attached tablet.
- c) Each stone memorial tablet shall be not less than 10 cm (4") thick and shall have its side surfaces true and perpendicular with its top surface.

d) Except as permitted otherwise in section 36 e), the top surface of memorial tablets and concrete bases shall measure as follows:

On adult size graves:	<u>Approximately</u>
i) Memorialize one person	30cmx50cm (12"x20")
ii) Memorialize one or two persons(in case of double-depth burial)	45cmx75cm (18"x30")
On a child size grave	30cmx50cm (12"x20")
On an infant size grave	25cmx45cm (10"x18")
On a cremated remains size grave	20cmx28cm (8"x11")

e) A bronze memorial tablet intended for installation on the grave of an adult or child may be smaller than its concrete base provided the concrete base conforms to the size for the grave as required by sub-section d) above, and provided the part of the base extending beyond the tablet does not exceed 5 cm (2") wide and has a smooth, slightly beveled surface to shed water at its outer edges.

- f) One memorial tablet only may be installed on each grave, but where two related persons are buried side by side in adjacent graves, one 45 cm x 75 cm (18" x 30") tablet which provides for the memorialization of both persons may be used instead of two separate tablets provided the single tablet so used is set to embrace evenly the two graves concerned.
- g) On a cremated remains size grave a memorial base which conforms to the requirements of sub-section d) and which supports either a stone or bronze tablet, may enclose one or two containers of cremated remains of a deceased person, as permitted by the terms and requirements of Section 22.4.
- h) Where a double-depth burial is permitted, one marker may be used and said marker must comply with the dimensions set out in Section 36. d) i or one double sized marker may be used and must comply with the dimensions set out in Section 36. d) ii.

GENERAL

- 38. Cut flowers, wreaths and floral offerings may be placed on graves, but may be removed by the Caretaker when their condition is considered by him to be detrimental to the beauty of the cemetery.
- 39. No person shall plant, remove, cut down or destroy any trees, shrubs, plants, flowers, bulbs or rocks in the cemetery, other than an employee of the Town authorized to do so.
- 40. All persons are prohibited from damaging or defacing any memorial, monument, fence, gate or structure in the cemetery, or any improvements in the cemetery.
- 41. No person shall enter the cemetery in a vehicle after sunset, or drive a vehicle in the cemetery at any time at a speed of more than 16 km/h (10 mph) and all vehicles and their drivers, while in the cemetery grounds, shall be subject to the reasonable directions and orders of the Caretaker.
- 42. No person shall solicit orders for markers, tablets, memorials, curbing, capping, or like works within the limits of the cemetery.
- 43. All persons and funeral processions in the cemetery shall obey the reasonable instructions of the Caretaker, but any person not behaving with proper decorum within the cemetery, or disturbing the quiet and good order of the cemetery, may be evicted there from by the Caretaker.
- 44. The discharging of firearms, other than in regular volleys at burial services, is prohibited in the cemetery.
- 45. Any person who willfully destroys, mutilates, defaces, injures, or removes any tomb, monument, memorial, or other structure placed in the cemetery, or any fence railing or other work for the protection or ornament of the cemetery, or any tomb, monument, memorial, or other structure aforesaid,

or lot within the cemetery, or willfully destroys, cuts, breaks or injures any shrub or plant, or plays at any game or sport, or discharges firearms (save at a military funeral), or who willfully or unlawfully disturbs persons assembled for the purpose of burying a body therein, or who commits a nuisance, or at any time behaves in an indecent and unseemly manner, or deposits any rubbish or offensive matter or thing in the cemetery, or in any way violates any grave, tomb, tombstone, vault, memorial or other structure within the same, shall be guilty of an infraction of this bylaw, and liable to the penalties hereof.

46. The cemetery shall be deemed open at eight (8) o'clock every morning and closed every evening at eight (8) o'clock. Any person in the cemetery between eight (8) p.m. and eight (8) a.m. the following morning, without special permission of the Caretaker, Administrator or other person authorized by the Town to grant such permission, shall be deemed guilty of an infraction of this bylaw and liable to the penalties hereof.
47. Every person who commits an offence against this bylaw is liable to a fine and penalty not exceeding five hundred dollars (\$500.00) and costs, or in default of payment thereof, or in the alternative, to imprisonment for any period not exceeding two months.
48. Notwithstanding anything herein contained, the administration and operation of the cemetery shall be carried out at all times in accordance with the "Cemetery Act" and Regulations made there under.
49. The Town of Port McNeill Bylaw No. 338, Cemetery (1986) is hereby repealed.
50. This bylaw may be cited as "Cemetery Bylaw No. 582, 2006.

READ a first time on the 12 day of June 2006.

READ a second time on the 21 day of August 2006.

READ a third time on the 21 day of August 2006.

Reconsidered, finally passed and adopted on the 18 day of September, 2006.

Mayor

Administrator

Certified to be a true and correct copy of Bylaw No. 582, 2006 as adopted.

Administrator

TOWN OF PORT MCNEILL BYLAW NO. 582

“SCHEDULE A”

CEMETERY LICENSE

In consideration of _____ of
_____ having
paid a sum of \$ _____ being the fee for use of grave space in Forest Memorial
Cemetery, he is hereby granted a license and permission to use and occupy grave
space # _____ of block # _____ in said cemetery for the purpose of interment and in
accordance with and subject to the bylaw for the regulation of Forest Memorial
Cemetery, which may for the time being, be in force, or any law applicable thereto in
force in the Municipality of Port McNeill. In granting this license to _____,
the Town of Port McNeill undertakes to maintain a cemetery care fund for maintenance
of the grave space herein described 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 grave space fee shown herein as paid, and the portion of the said fee to be
set aside for Care Fund purposes shall be \$ _____.

Dated this ____ day of _____ 20____.

Administrator
Town of Port McNeill

The Licensee is hereby notified in accordance with the terms of the Regulation under the
“Cemetery Act” that memorial markers made only of stone or bronze are permitted in the
cemetery, and that prior to the installation of a memorial marker on the above licensed
grave space a payment of \$ _____ for deposit to the Cemetery Care Fund is required
to be made by the purchaser to the Town of Port McNeill. I agree to accept the above
written license upon the terms and subject to the conditions above expressed.

Signature of Licensee

TOWN OF PORT MCNEILL BYLAW NO. 582

SCHEDULE B

INTERMENT PERMIT

Port McNeill, B.C.
_____ 20__

Permission is hereby given to _____
to have the remains of _____
interred in grave space # _____ of Block # _____
in Forest Memorial Cemetery, on the _____ day of _____ 20__,
at _____ o'clock.

REMARKS

Administrator
Town of Port McNeill

TOWN OF PORT MCNEILL BYLAW NO. 582

"SCHEDULE C"
TARIFF

<u>GRAVE SPACE</u>	TOTAL FEE
Fee and Care Fund	
Adult Size (including Care Fund Contribution of \$84.00)	335.00
Child Size (including Care Fund Contribution of \$60.00)	240.00
Infant Size (including Care Fund Contribution of \$45.00)	180.00
Cremated Remains Size (incl. Care Fund Contribution of \$25.00)	100.00
SERVICES	
Opening and Closing Grave for burial:	
Adult Size	365.00
Child Size	285.00
Infant Size	175.00
Cremated Remains Size	100.00
Opening and Closing Grave for exhumation:	
Adult Size	395.00
Child Size	365.00
Infant Size	260.00
Cremated Remains Size	180.00
Burials on Saturday, Sunday or Statutory Holidays – extra	400.00
Transfer of license extra	15.00
Installation of memorials (incl. Care Fund Contribution of \$25.00)	75.00
GOODS	
Grave Liners (non decomposing)	
Adult – Extra Large	\$300.00
Adult – Regular	300.00
Child/Infant	300.00
Cremation Vaults	120.00

TOWN OF PORT MCNEILL
RECEIPT
BYLAW NO. 582 TARIFFS
FOREST MEMORIAL CEMETERY

SOLD TO:

NAME _____

ADDRESS _____

GRAVE SPACE ACQUISITION:

Resident _____ Non Resident _____

Size (Adult, Child, Infants, Cremated Remains) \$ _____

Care Fund Contribution \$ _____

SERVICES:

Opening and closing site for burial:

(Adult, Child, Infants, Cremated Remains) \$ _____

Opening and closing site for Exhumation:

(Adult, Child, Infants, Cremated Remains) \$ _____

OTHER TARIFFS:

Deeper depth to permit second burial in same site \$ _____

Transfer of License \$ _____

Installation of Memorials (Flush surface mounted) \$ _____

Care Fund Contribution \$ _____

Installation of Monuments (Upright) \$ _____

Care Fund Contribution \$ _____

GOODS:

Non Decomposing Grave Liners

(Adult, Child, Infants, Cremated Remains) \$ _____

Total Care Fund Contribution \$ _____

Total Other \$ _____

TOTAL PAID \$ _____