



## CORPORATION OF THE CITY OF GREENWOOD

### BYLAW NO. 825a

#### A Bylaw to Regulate the Operation and Maintenance of Cemeteries Owned by the City of Greenwood

**WHEREAS** every operator of a cemetery must adopt bylaws respecting the administration and operation of cemeteries according to the *Cremation, Interment and Funeral Services Act and Associated Regulation*;

**AND WHEREAS** the Council of the Corporation of the City of Greenwood deems it necessary to rescind the existing Cemetery Bylaw No. 472 and replace it with an updated bylaw;

**NOW THEREFORE**, under its statutory powers, including Section 8(f) of the *Community Charter, S.B.C. 2003, c.26*, the Council of the Corporation of the City of Greenwood enacts the following provisions:

#### **TITLE & REPEAL:**

This Bylaw may be cited for all purposes as the **The Greenwood Cemetery Management Bylaw No.825a**.

The Corporation of the City of Greenwood Cemetery Bylaw No. 472 and all amendments thereto are hereby repealed.

#### **DEFINITIONS:**

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 *Business Practices and Consumer Protection Authority Act, S.B.C. 2004, C.3*.

"ADMINISTRATOR" means the City Administrator, or duly appointed designate.

"AUTHORIZED PERSON" means the person who has the control of disposition of Human or Cremated Remains.

"BOARD OF CEMETERY TRUSTEES" means the Council of the Corporation of the City of Greenwood.

"CARETAKER" means the person or persons duly appointed or employed by the City as the Superintendent of Public Works or such other City employee or employees as designated.

"CARE FUND" means a fund established for the upkeep and repair of cemeteries and the grave spaces and memorials therein.

"CEMETERY" means and includes all parcels or tracts of land owned, used or maintained by the City as cemeteries either within or without the municipality.

"CITY" means the Corporation of the City of Greenwood.

"BPCPA" stands for the Business Practices and Consumer Protection Authority.

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"CEMETERY" means and includes all parcels or tracts of land owned, used or maintained by the City as cemeteries either within or without the municipality.

"CIFSA" means Cremation, Interment and Funeral Services Act, Chapter 35 of the Revised Statutes of British Columbia, 1979, as amended from time to time.

"CITY" means the Corporation of the City of Greenwood.

"CONTROL OF DISPOSITION" means the person or agency as defined in section 5 of the CIFSA who has the authority to control the disposition of the Human Remains or Cremated Remains.

"CORONERS ACT" means Chapter 72 of the Revised Statutes of British Columbia, 1979, as amended from time to time.

"COUNCIL" means the Council of the Corporation of the City of Greenwood.

"CREMATED REMAINS or CREMAINS" mean the ashes resulting from cremation of human remains.

"DIRECTOR" means a director under the *Business Practices and Consumer Protection Act*.

"HUMAN REMAINS" means a dead human body in any stage of decomposition; a stillborn infant; but does not include cremated remains.

"INFECTIOUS DISEASE" means those defined in the Regulations made pursuant to the *Health Act*.

"INTERMENT" means disposition by burial of human remains or cremated remains in a cemetery.

"MEDICAL HEALTH OFFICER" means the person duly appointed from time to time by the Province of British Columbia to act a Medical Health Officer for the City.

"MEMORIAL" means a marker, headstone, tombstone, monument, plaque, tablet or plate on a grave or plot.

"MINISTER" means that member of the Executive charged by charged by Order of the Lieutenant Governor-in-Council with the administration of the *Cremation, Interment and Funeral Service Act*, and includes a person designated in writing by the Minister.

"OPERATOR" means the Corporation of the City of Greenwood.

"PLOT" means an area of the Cemetery used or intended to be used for the interment of human remains or cremated remains – grave space.

"RIGHT OF INTERMENT" means a certificate that provides for the future right to inter Human Remains or Cremated Remains in a designated Lot.

"SPOUSE" as defined in CIFSA, means a person who is:

- a) married to another person;
- b) is united to another person by a marriage that, although not a legal marriage, is valid as common law; or

- c) has lived and cohabitated with another person in a marriage-like relationship, including a marriage-like relationship between persons of the same gender, for a period of at least 2 years immediately before the other person's death.

"TREASURER" means the person duly appointed as such by the Municipal Council.

"VEHICLE" means all vehicles as defined in the "Motor Vehicle Act", and shall also include motorcycles, bicycles, snowmobiles and all terrain vehicles.

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

## **SECTION 1: APPLICATION OF BYLAW**

Subject to any contrary provision in the CIFSA, this Bylaw applies to all Cemeteries operated by the City and to all additional property which may hereafter be acquired and held by the City for use as a City 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.

**1.1** The following described properties are set aside, held, developed, improved, used and maintained as a City owned Cemetery 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. District Lot 1054, E 1/2 of Section 20, Township 79, SDYD
- b. Blocks "A" "B" "C" "D" "E" "G" "H" "I", Plan 149, SDYD
- c. Block "F", Plan 149, SDYD – Known as "The Knights of Pythias Block"

**1.2** Council shall have the power to determine from time to time the size and layout of the Plots, the developments and improvements to be carried out and made in and to the Cemetery, subject to compliance with the requirements of CIFSA.

## **SECTION 2: ADMINISTRATION OF BYLAW**

**2.1** 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 and the 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 a Cemetery Operations Policy.

## **SECTION 3: FEES & CHARGES:**

**3.1** The fees for interment, disinterment, use of grave space and care of graves, and any other cemetery fees shall be those set out in the **Cemetery Fee Schedule 'A'**.

## **SECTION 4: RIGHT OF INTERMENT**

**4.1** The City may, subject to payment of fees, grant to any person an **Interment Right Contract, Schedule 'B'**. An Interment Right Contract does not vest in the holder any title or interest in the land or plot but instead provides for the right to inter the person named on the Interment Right Contract.

**4.2** Where an Interment Right Contract has been completed, in order to reserve a grave space for future use, the purchaser of the Interment Right Contract must advise the full legal name of the person who will be interred in that space.

**4.3** In respect of an unused (reserved) plot or cancellation, the purchaser has a right of a 50% refund, less the Care Fund Portion and the current Administration Fee upon written application, stating the reason the plot is no longer required;

**4.4** The City reserves the right to refuse to sell the use of more than two grave spaces to any one individual.

**4.5** A holder of a grave space or spaces may sell or transfer a reserved grave space to another individual by first notifying the City, in writing, giving the full particulars of the name, address or other description of the person to whom the transfer is desired. Upon receipt of the Administrative Fee and upon compliance with the requirements of this Bylaw, the City shall record the desired transfer.

**4.6** All licenses issued for use of grave spaces in the cemetery shall be subject to the provisions of this bylaw and operating policies and all bylaws and operating policies now or hereafter to be passed by Council and shall be subject to the *Cremation, Interment and Funeral Services Act*, and amendments thereto.

**4.7** If a grave space previously sold has not been used and;

- the plot holder with the right of interment, if living, would be at least 90 years of age,
- a period of at least 50 years has elapsed from the date the plot was reserved, and
- the operator has been unable to locate the Rights Holder after having given notice by mailing or delivering the notice to the last known mailing address provided to the operator

The Administrator may apply to the Director of the BPCPA for permission to reclaim the grave space and to sell it to another person.

## **SECTION 5: INTERMENT & EXHUMATION:**

**5.1** A person must not dispose of human remains at any place in British Columbia other than

- in a cemetery or mausoleum
- by cremation, or
- as prescribed.

**5.2** A person must not inter human remains unless a Burial Permit or Cremation Certificate issued by a vital statistics registrar under the Vital Statistics Act accompanies them.

**5.3** No body other than a deceased human body shall be interred in the cemetery and no interment of a body shall be made until an **Interment Right Contract, Schedule 'B' and an Interment Permit, Schedule 'C'**, which, in accordance with Sections 5 and 8(3)(b)(i) of the *Cremation, Interment and Funeral Services Act* includes a Lawful Authority Declaration, has been obtained from the City and all applicable fees set out in the Cemetery Schedule of Fees has been paid.

- The license holder must provide a true statement on the "Interment Permit", as far as practical, of: the name; age; sex; whether or not death was caused by an infectious disease; name of the attending physician, if any; and such other information as may be reasonably required;
- If ashes are to be placed in an occupied plot, the applicant must also provide an **"Authorized Approval Declaration, Schedule E"**, providing authorization from the original occupants next-of-kin.

**5.4** Human or Cremated remains must be in a container or casket that is of sufficient strength to hold and move the remains, is capable of being closed to keep the remains out of public view, and is constructed so that it does not leak or otherwise pose a health hazard. A container does not include an outer container such as a burial vault or liner. Should the container fail in some manner, the cemetery and operators shall be held harmless by the family.

**5.5** No interment will be permitted **after the hour of 2:00 pm** Monday to Friday or on Saturday or Sunday or Statutory Holidays unless an additional fee, as set out in the Cemetery Fees Schedule of this Bylaw, is paid.

**5.6** An Interment Right Contract and Permit must be obtained **at least 48 hours before** any interment can take place except in the case of a person dying of an infectious disease.

**5.7** The body of any person who dies having an **infectious disease** shall be interred in accordance with the instructions furnished to the City by the Medical Health Officer according to the *Health Act*.

**5.8** The **number of permitted interments** per plot is as follows:

Single Cremation Plots: (4' x 4')		Two cremain interments only;
Full Size Plots: (4' x 8')	OR	Up to three (3) interments (One full burial with two cremains) Four (4) cremains

**5.9** Each interment in the cemetery, other than the interment of cremated remains, shall provide for not less than one meter of earth between the general surface level of the ground at the grave site and the upper surface of the vault, casket or grave liner enclosing the body resting in the grave.

**5.10** No grave shall be dug, opened or closed by any person other than those persons duly authorized by the City.

- a. graves will be opened no later than two hours prior to the funeral;
- d. graves will be closed as soon as possible after the grave side service is complete;
- e. the Funeral Director, or other responsible adult, must remain at the site until the operator returns to close the grave.

**5.11** No vaults or other methods of interment above ground level shall be permitted in the cemetery.

**5.12** No deceased person interred in the cemetery shall be exhumed without a written order being first obtained from the proper authority in accordance with the requirements of Section 16 of the *Cremation, Interment and Funeral Services Act*, and a **Disinterment Permit, Schedule 'D'** has been completed and all applicable fees set out in the Cemetery Fee Schedule have been paid.

**5.13** Section 5.11 does not apply if human remains are to be disinterred from one plot and interred in another plot in the same cemetery; or if human remains are to be exhumed or disinterred on the authority of a court order or under the *Coroners Act*.

**SECTION 6: CEMETERY CARETAKER:**

- 6.1** A cemetery caretaker shall be responsible for the following;
- a. to dig and prepare, or cause to be dug and prepared, all plots required to be dug;
  - b. to install, or arrange for the installation of, all memorial markers;
  - c. carry out, or cause to be carried out, the general work of the cemetery to maintain it in a neat and tidy condition, including the maintenance of paths, gates, fences and other cemetery improvements;
  - d. maintain records as required

**SECTION 7: ADMINISTRATION AND PERPETUAL CARE FUND:**

**7.1** The City shall maintain records as necessary to the administration and management of the cemetery Perpetual Care fund as required by the *Cremation, Interment and Funeral Services Act*, and *Associated Regulations*.

**7.2** A fund shall be established known as the 'Perpetual Care Fund' and such funds shall be administered in accordance with the requirements of the Regulations made under the *Cremation, Interment and Funeral Services Act* for the establishment and administration of the Perpetual Care fund and with the procedures hereinafter set out.

- a. An account shall be established to be known as the 'Cemetery Perpetual Care Fund' into which the Treasurer shall pay all funds received for Care Fund purposes.
- b. On all licenses for the use of grave space sold, the Treasurer shall pay into the Perpetual Care Fund from the amount received for each license sold the fee specified in Schedule 'A'.
- c. On all licenses for the use of grave space, and all contracts or agreements for the sale of such licenses, the amount required to be used for Care Fund purposes shall be specified, provided that the amount so specified shall not apply to grave space made available by the City free of charge for indigent burial.
- d. Any person wanting to install a memorial marker in the cemetery shall make application in the form of a "Memorial Permit" and shall pay to the City, prior to the installation of such memorial, a fee as per Schedule 'A' as a contribution to the Perpetual Care Fund and such amounts when received shall be paid by the Treasurer into the Perpetual Care Fund.
- e. Investment of funds received for Care Fund purposes shall be made as required by the *Cremation, Interment and Funeral Services Act*.
- f. The income from the Perpetual Care Fund including any appreciation shall be used for the sole purpose of upkeep and maintenance of the property licensed as a cemetery.
- g. The original principal sum of the Perpetual Care Fund shall not be reduced otherwise than in accordance with an order of the Director appointed under the *Cremation, Interment and Funeral Services Act* to the Regulations under the *Cremation, Interment and Funeral Services Act*.
- h. A separate account of all monies received under the provisions of this Bylaw and all monies expended hereunder shall be kept by the Treasurer.

**SECTION 8: MEMORIALS:**

**8.1** No memorial marker or tablet shall be placed, removed, or modified on any grave space in the cemetery until a Memorial Permit has been processed and the fee as noted in Schedule 'A' has been paid to the City and the applicable contribution is paid to the Care Fund in respect to each memorial which is to installed.

**8.2** No grave space in the cemetery shall be defined by a fence, hedge or railing and no memorial other than the type specified in Section 8.3 a & b, will be installed on a grave in the cemetery.

**8.3** Except as may be permitted otherwise by the terms of Section 8.2, no memorial shall be installed on a grave in the cemetery which is not of the tablet variety, made of stone or bronze, and which does not conform to the following size specifications:

- a. Single Full Sized Plots or Double Plots (across two full sized plots)
 

Minimum:	8" x 12"	Maximum:	12" x 36"
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- b. All other plots:
 

Minimum:	8" x 12"	Maximum:	12" x 24"
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**8.4** Memorial markers will be placed on graves by the caretaker or other duly authorized person during regular business hours, subject to the rates shown in the Cemetery Fees Schedule 'A' and the following specifications:

- a. memorials of marble, granite or bronze will be installed on plots by the caretaker so as not to project above the natural contour of the ground;
- b. memorials shall be placed on suitable concrete bases so as to allow a lawn mower to cut the grass around such memorials.
- c. memorials shall be placed at the City's convenience within a reasonable time after receipt.

**8.5** 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 City, all Memorials upon their Plot. Should any memorial placed in the Cemetery fall into a state of disrepair, the Administrator will document the condition and have the Memorial removed from the Cemetery, at the expense of the plot holder or their successors. Interment Right Holders may request that the City make repairs. All costs associated with the repairs will be borne by the Interment Right Holder.

**8.6** Memorial plaques may be added to an existing memorial marker once a Memorial Permit has been processed and the fee for a "single plot" marker has been paid. An **Authorized Approval Declaration, Schedule E**, may be required from the original occupant's next-of-kin. The City may consider a memorial bench or other such tribute upon written application to the Administrator.

## **SECTION 9: GENERAL PROVISIONS**

**9.1** Cut flowers, wreaths and floral offerings may be placed on plots but may be removed by the caretaker when their condition is considered to be detrimental to the cemetery. Artificial flowers will be permitted to be placed during the winter until the first grounds maintenance is carried out in the spring.

**9.2** 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 City authorized to do so.

**9.3** No persons shall damage or deface any memorial, fence, gate or structure in the cemetery or any improvements in the cemetery.

**9.4** No person, other than the Operator, shall enter the cemetery in a vehicle - unless to facilitate an interment.

**9.5** No person shall solicit orders for markers, tablets, memorials, cappings, or like works within the limits of the cemetery.

**9.6** All persons and funeral processions in the cemetery shall follow instructions of the caretaker.

**9.7** Boxes, shells, toys, wire screens, arbors, trellises, decorations or any other objects are prohibited on any plots or on any land or fence that comprises the cemetery. Containers for flowers are subject to approval of the caretaker and shall be installed by employees of the City.

**9.8** No plot shall be decorated with any trees, shrubs or plants without prior approval from the caretaker.

**9.9** The discharge of firearms, other than at a military funeral, is prohibited in the cemetery.

**9.10** An operator is not liable if the operator removes or inadvertently breaks or damages any goods that are left in or on any part of a cemetery if the placement of the goods is a contravention of the Bylaw.

**9.11** An operator may remove any object in or on the place of interment if, in the operator's opinion, the object;

- a. has been placed there in contravention of the bylaw respecting the place of interment,
- b. is dangerous,
- c. impedes the care or maintenance of the place of interment, or
- d. is unsightly.

**9.12** An operator of a place of interment is not liable for damage to any object that is removed under Section 9.11.

**9.13** Before acting under Section 9.11, the operator must give notice to a next of kin of the deceased or other person of record and allow that person reasonable time to correct the problem.

**9.14** No person shall enter or remain in any part of a cemetery outside of the period from 8 am to 8 pm unless visiting hours are posted.

**SECTION 10: OFFENCES**

**10.1** Any person who violates the provisions of this Bylaw, or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this Bylaw, or who neglects to do, or refrains from doing anything required to be done by any of the provisions of this Bylaw commits an offence and is liable upon conviction to a penalty not less than \$50 and not more than \$2000.00, together with the cost of prosecution.

**SECTION 11: SCHEDULES**

- 11.1** Schedule 'A' – Cemetery Fee Schedule
- 11.2** Schedule 'B' – Interment Right Contract
- 11.3** Schedule 'C' – Interment Permit
- 11.4** Schedule 'D' – Disinterment Permit
- 11.5** Schedule 'E' – Authorized Approval Declaration
- 11.6** Schedule 'F' – Memorial Permit
- 11.7** Map of the Greenwood Cemetery

Schedules 'A' to 'E' attached hereto form part of this bylaw and are enforceable in the same manner as this Bylaw.

**SECTION 12: REPEAL OF PRIOR BYLAWS**

"The Greenwood Cemetery Bylaw No. 472, 1982", as amended, is hereby repealed.

**ADOPTION:**

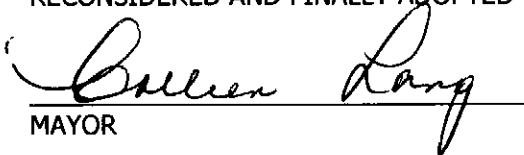
This Bylaw shall come into full force and effect upon final adoption.

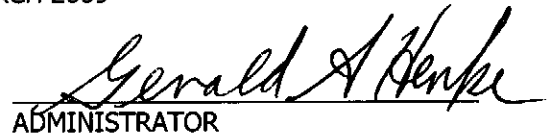
READ A FIRST TIME THIS 23<sup>rd</sup> DAY OF FEBRUARY 2009

READ A SECOND TIME THIS 23<sup>rd</sup> DAY OF FEBRUARY 2009

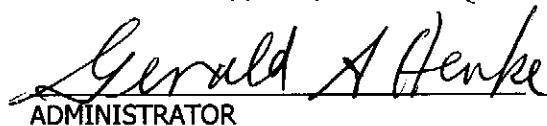
READ A THIRD TIME THIS 09<sup>th</sup> DAY OF MARCH 2009

RECONSIDERED AND FINALLY ADOPTED THIS 23<sup>rd</sup> DAY OF MARCH 2009

  
MAYOR

  
ADMINISTRATOR

Certified True Copy of Bylaw No. 825, as Adopted

  
ADMINISTRATOR