

**THE CORPORATION OF THE VILLAGE OF ZEBALLOS
BYLAW #526-2019
CEMETERY BYLAW**

A bylaw to regulate the operation and maintenance of Cemeteries.

The Council of the Village of Zeballos in open meeting assembled ENACTS AS FOLLOWS:

PART 1. ADMINISTRATION

CITATION

1.1 This bylaw may be cited as "Cemetery Bylaw #526-2019".

DEFINITIONS

1.2 So far as the terms defined can be applied, the definitions establish by or applicable under the Cremation, Interment, and Funeral Services Act extend to this bylaw.

- | | |
|------------------------|---|
| "Act" | means the <i>Cremation, Interment and Funeral Services Act, S.B.C. 2004, C35</i> and regulations administered by the administrative authority, as may be amended or replaced from time to time; |
| "Caretaker" | means the person or person duly appointed from time to time as Caretaker or Caretakers of the Cemetery or Cemeteries of The Corporation of the Village of Zeballos; |
| "Cemetery" | means and include any parcel or tract of land owned, used or maintained by The Corporation of the Village of Zeballos as a cemetery either within or without the Municipality; |
| "Cemetery Manager" | means the Corporate Officer for the Village, or duly appointed deputy or designate of that person; |
| "Corporation" | means The Corporation of the Village of Zeballos; |
| "Council" | means the Council of The Corporation of the Village of Zeballos; |
| "Legal Representative" | means the person that may legally represent the deceased or a living person under the circumstances, and includes the person controlling disposition, an administrator or executor for other affairs of a deceased person, and the guardian, public trustee or power of attorney for a living person; |
| "Plot" | 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 casket plot, cremation plot, and columbarium niche; |

Cemetery Bylaw 526-2019

- “Medical Health Officer” means the person duly appointed from time to time by the Council to act as Medical Health Officer for The Corporation of the Village of Zeballos;
- “Niche” shall mean a space within a columbarium or structure used or intended to be used for the interment of cremated remains;
- “Open and Close” means the process of making an interment including but not limited to the administrative, legal, labour and mechanical tasks and equipment required to prepare a plot for an interment of human or cremated remains and the subsequent closing of a plot after an interment has been made;

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

- 1.3 The following lands are operated, used and maintained by the Village as a cemetery, and the lands and all activities relating to those lands are subject to the provisions of this bylaw:
- a) Zeballos Cemetery, located on lands legally described as Lot 2101, Rupert District, Except that part in Plan VIP66240, (PID 009-878-599); and Lot 2262, Rupert District, (PID 009-964-118).
- 1.4 The administration of the cemetery shall be carried out in accordance with the *Cremation, Interment and Funeral Services Act, S.B.C. 2004, C35* and regulations administered by the administrative authority, as may be amended or replaced from time to time, and this bylaw.
- 1.5 A copy of the cemetery plans shall be filed with the Minister and copies shall also be kept available for public inspection in the Village Office and at such other places as may be deemed necessary.
- 1.6 The Council shall continue as the Board of Cemetery Trustees.
- 1.7 The Cemetery Manager is authorized to
- a) maintain all records and information for the administration, operation, maintenance and management of the Cemetery;
 - b) establish cemetery procedures in consultation with the Caretaker;
 - c) determine the size and layout of the plots, the developments and improvements to be carried out and made in the cemetery, subject to budget approval;
 - d) issue all rights of interment and other permits and authorizations required and authorized by this bylaw;
 - e) grant to any person by way of an interment right contract, and subject to payment of fees, a right of interment in a specified or unspecified plot; and

- f) determine the form of the interment right contract, permits and authorizations set out in this bylaw.

1.8 The Caretaker is authorized to coordinate the following:

- a) cemetery services provided on-site including
 - i. preparation and interment;
 - ii. installation of markers and memorials; and
 - iii. disinterment and exhumation.
- b) the maintenance and repair of grounds, structures, fencing, roads, paths, plots and memorials within the cemetery;
- c) the preparation and submission of records and documentation required by the Cemetery Manager relating to on-site activities; and
- d) any other work relating to cemetery maintenance and performance of cemetery services as may be directed by the Cemetery Manager.

PART 2. RIGHTS OF INTERMENT

2.1 A Right of Interment is required for every interment of human remains and cremated remains.

2.2 A person may only

- a) enter into an Interment Rights contract for one plot for their own use; and
- b) enter an Interment Rights contract for another party as their legal representative.

2.3 A Right of Interment is only valid

- a) upon the interment right holder, or that person's legal representative, agreeing to the terms and conditions of the contract and this bylaw;
- b) upon payment of the prescribed Right of Interment set out in Schedule "A" to this bylaw; and
- c) upon its execution by the Village and the interment right holder or their legal representative.

2.4 A Right of Interment

- a) provides for the right to inter the person named as the interment right holder on the Interment Rights contract provided the interment right holder or that person's legal representative agrees to and complies in all respects with the provisions of this bylaw and the terms and conditions of the Right of Interment, including, without limitation, the

payment of all applicable fees, including Right of Interment fees and fees related to the interment, set out in Schedule "A" to this bylaw;

- b) does not vest in the interment right holder or that person's legal representative any title or interest in the land or a plot; and
 - c) does not entitle the interment right holder or that person's legal representative to require the Village to inter the human remains or cremated remains of the designated person in the plot.
- 2.5 All Rights of Interment issued for the cemetery shall be subject to the provisions of this bylaw as amended or superseded.
- 2.6 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 an agreement being made, no person shall be issued a Right of Interment for a plot in the reserved section, unless his application to the Corporation to purchase a Right of Interment 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 Rights of Interment issued and services rendered by the Corporation under these conditions shall be subject to payment at the rates set forth in Schedule "A".
- 2.7 Council reserves the right to refuse to sell the use of more than four grave plots or columbarium niches to any one individual.
- 2.8 All Rights of Interment issued for use of grave plots in the cemetery shall be subject to the provisions of this bylaw and all bylaws now or hereafter to be passed by Council.
- 2.9 Transfer of Rights of Interment
- a) If the holder of a licence to use and occupy grave space in the cemetery shall at any time desire to dispose of or transfer to another person his right to use and occupy grave space in the cemetery he shall first provide the Cemetery Manager full particulars of to whom such disposal or transfer is desired to be made, and the consideration to be paid therefor.
 - b) If the licence 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 2.4 hereof, the requirements of said section 2.4 concerning entitlement to burial in a reserved section of the cemetery shall apply to the person to whom the transfer is to be made.
 - c) Upon receipt of the transfer fee prescribed in Schedule "A" to this bylaw and upon compliance with the requirements of this bylaw by the Right of Interment holder and the person to whom the Right of Interment is to be transferred, the Cemetery Manager shall effect the desired transfer by an endorsement upon the licence to that effect and shall record the same in the books or other records kept for that purpose.

PART 3. INTERMENTS AND CEMETERY SERVICES

- 3.1 No body shall be interred in the cemetery except in compliance with and subject to the provisions of this by-law.
- 3.2 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 Permit has been obtained from the Corporation and the fee for interment as specified in Schedule "A" hereof has been paid to the Corporation.
- 3.3 All applications for an Interment Permit in the cemetery must be made to the Cemetery Manager at the Corporation's offices during regular office hours.
- 3.4 Any persons who makes application for an Interment Permit, or who requires an interment to be made, shall provide the Cemetery Manager a statement of the name, age, date of death of the deceased, date and time of the funeral, whether or not death was caused by an infectious disease designated in section 3.8, and such other information as may be reasonably required.
- 3.5 No person shall be granted an Interment Permit in an area of the cemetery which has been reserved by the Council under the provisions of section 2.4 hereof for the burial of members of a church, society, or other organization unless the applicant provides the Cemetery Manager with a Certificate from the concerned organization stating that the deceased is entitled to burial in the area so reserved.
- 3.6 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 the "Cemeteries Act" and the presentation of such order to the Cemetery Manager.
- 3.7 It shall be unlawful for any person to cremate or bury a deceased person within the limits of the Corporation of the Village of Zeballos save and except as authorized under the terms of the "Cremation, Interment and Funeral Services Act" and the "Cemeteries Act" and the regulations made thereunder.
- 3.8 The holder of a licence 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 licence refers, nor shall he transfer or dispose of the said grave space to another person, group or organization unless such interment, transfer, or disposal shall be made pursuant to and subject to the provisions of this by-law.
- 3.9 The body of any person who dies having an infectious disease must be interred within thirty-six (36) hours after death occurs; and the Medical Health Officer shall provide the Cemetery Manager with definite instructions respecting interments in such cases, and the Caretaker or duly authorized assistant acting on his behalf shall follow such instructions carefully and minutely in making such interments.
 - a) The following will be considered as infectious diseases within the meaning of this bylaw:

Smallpox, Asiatic Cholera, Diphtheria, Typhus fever, Anthrax, Scarlet Fever, Bubonic Plague, Epidemic Cerebro Spinal Meningitis, Poliomyelitis, and others

as may be hereafter designated by the Board of health or the Medical Health Officer.

- 3.10 Each interment in the cemetery shall be made in a grave dug to a depth sufficient to provide for not less than three feet of earth between the upper surface of the coffin and the level of the ground surrounding the grave.
- 3.11 Only one (1) interment of human remains shall be permitted in any one grave plot.
- 3.12 Not more than two (2) interments of cremains shall be permitted in any one grave plot or columbarium niche, and the first interment shall be at the back half of the cremation plot or columbarium niche.
- 3.13 Interments shall be in predefined plots as defined in cemetery plans on record with the Caretaker.
- 3.14 The following limitations apply to each plot indicated in the following table, unless otherwise permitted in writing by the Cemetery Manager or restricted by the Cemetery Manager for operational reasons:

	Plot Type	Size	Interment Type
a)	Standard Plot	7.5 ft. x 10 ft.	Human Remains Cremated Remains
b)	Columbarium Niche	12 in. x 12 in.	Cremated Remains

- 3.15 No person shall inter any body in the cemetery except between the hours of 8:00 am and 8:00 pm.
- 3.16 No grave shall be dug or opened by any person other than the Caretaker or other person duly authorized by him or by the Cemetery Manager.

PART 4. FINANCIAL ADMINISTRATION

- 4.1 The Cemetery Manager is hereby authorized on behalf of the Municipality to grant an Interment Rights contract in respect of any grave plot in the cemetery, according to the scale of fees and charges specified in Schedule "A" of this bylaw and subject to the provisions of this bylaw.
- 4.2 The Cemetery Manager shall issue all permits for interment required by this bylaw, except as otherwise provided.
- 4.3 Upon issuing any Interment Permit in the cemetery, or upon receiving an order for exhumation from the proper authority, the Cemetery Manager 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 plot concerned.
- 4.4 The fees for interment, disinterment, use of grave plot, and the charges for goods offered for sale by the Corporation for use in the cemetery, and any other cemetery fees shall be those set out in Schedule "A" attached and forming part of this bylaw.

Cemetery Bylaw 526-2019

- 4.5 The fees set out in Schedule "A" of this bylaw shall be paid at the Corporation's office at the time of purchasing any goods or services sold by the Corporation in connection with the operation of the Cemetery.
- 4.6 The Cemetery Manager is authorized to issue an Interment Permit under the following conditions:
- a) all fees applicable to the interment set out in Schedule "A" to this bylaw are paid in full, including but not limited to, plot preparation and close fee, additional interment and service fees as applicable.
 - b) all records relating to the interment have been submitted to the Village, including
 - i. a fully executed Right of Interment contract;
 - ii. a fully executed Right of Interment transfer if applicable;
 - iii. a copy of the Burial Permit or other document as required by the *Vital Statistics Act* for the burial of human remains or a certificate of cremation; and
 - iv. the Interment Permit completed in full and signed by the person controlling disposition.

PART 5. GENERAL

- 5.1 A memorial may be installed on a grave in the cemetery subject to the following:
- a) Only memorials made of natural stone, concrete or metal are permitted on a cemetery plot.
 - b) All grave memorials shall be set on a concrete base.
 - c) All grave memorials shall not exceed twenty-four (24) inches in length and twelve (12) inches in width.
 - d) A columbaria niche memorial must conform with the approved design and specifications established by the Cemetery Manager and must be carried out by a company authorized by the Cemetery Manager.
 - e) No person shall place any memorial until permission in writing is obtained from the Cemetery Manager.
- 5.2 No grave, or grave space shall be defined by a fence, railing, coping, curbing, hedge or by other marking save by a memorial marker, tablet or monument as set out in section 6.1 hereof.
- 5.3 Cut flowers, wreaths and floral offerings may be placed on graves but may be removed by the Caretaker or other authorized employee of the Corporation when their condition is considered by him to be detrimental to the beauty of the cemetery.

Cemetery Bylaw 526-2019

- 5.4 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 Corporation authorized to do so.
- 5.5 All persons are prohibited from damaging or defacing any memorial, monument, fence, gate, or structure in the cemetery, or any improvements in the cemetery.
- 5.6 No person shall enter the cemetery in a vehicle after sunset.
- 5.7 No person shall drive a vehicle in the cemetery at any time at a speed greater than 5 kilometres per hour, and all vehicles and their drivers while in the cemetery grounds shall be subject to the directions and orders of the Caretaker or other authorized employee of the Corporation.
- 5.8 No person shall solicit order for markers, tablets, memorials, curbing, capping or like works within the limits of the cemetery.
- 5.9 All persons and funeral processions in the cemetery shall obey the reasonable instructions of the Caretaker, or other authorized employee of the Corporation, but any person not behaving with proper decorum within the cemetery, or disturbing the quiet and good order of the cemetery may be evicted therefrom by the Caretaker or other authorized employee of the Corporation.
- 5.10 The discharging of firearms, other than in regular volleys at burial services, is prohibited in the cemetery.
- 5.11 Any person who wilfully destroys, mutilates, defaces, injures, or removes any tomb, monument, gravestone, 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, gravestone, or other structure or plot within the cemetery, or wilfully destroys, cuts, breaks or injures any shrub or plant, or plays at any game or sport, or discharge firearms (save at military funeral), or who wilfully 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 a cemetery structure within the same, shall be guilty of an infraction of this by-law, and liable to the penalties hereof.
- 5.12 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.
- 5.13 Notwithstanding anything herein contained, the administration of the cemetery shall be carried out at all times in accordance with the "Cemeteries Act" and Regulations made thereunder.


Cemetery Bylaw 526-2019

READ a first time on the 27th day of August 2019.

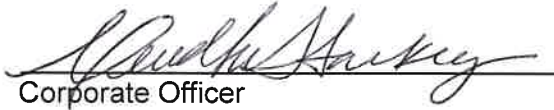
READ a second time on the 22nd day of October 2019.

READ a third time on the 26th day of November 2019.

RECONSIDERED and
ADOPTED on the 17th day of December 2019.



Mayor



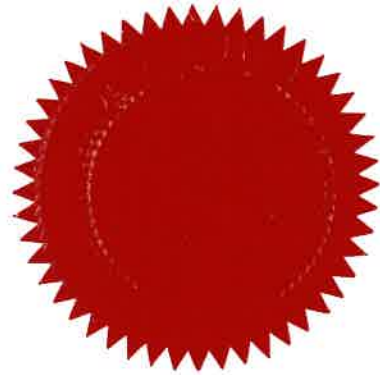
Corporate Officer

CERTIFIED a true and correct copy of the

Village of Zeballos Cemetery Bylaw #526-19.



Corporate Officer



SCHEDULE "A"
ATTACHED TO AND FORMING PART OF
BYLAW #526-19

FEES AND CHARGES

RIGHT OF INTERMENT (GRAVE SPACE)

Adult Plot	\$300
Child Plot	\$300
Cremation Plot	\$300
Columbarium Niche	\$500

PERMIT FOR INTERMENT (OPEN AND CLOSE GRAVE FOR BURIAL)

Adult Plot	\$500
Child Plot	\$300
Cremation Plot	\$300
Columbarium Niche	\$100

OPEN AND CLOSE GRAVE FOR EXHUMATION

Adult Plot	\$1000
Child Plot	\$600
Cremated Remains – Cremation Plot	\$600
Cremated Remains – Columbarium Niche	\$200

ADDITIONAL FEES

Transfer or Surrender of Right of Interment	\$25
Installation of Memorial:	\$150
<ul style="list-style-type: none"> • Columbarium Shutter Door; or • Concrete base for memorial and attachment 	

SCHEDULE "B"
ATTACHED TO AND FORMING PART OF
BYLAW #526-19

