

SUNSHINE COAST REGIONAL DISTRICT

BYLAW NO. 689 consolidated for convenience to include amendments up to 689.1

A bylaw relating to the operation and maintenance of cemeteries

The Board of the Sunshine Coast Regional District in open meeting assembled enacts as follows:

1. This bylaw may be cited as “Sunshine Coast Regional District Cemetery Bylaw No. 689, 2014”.

2. DEFINITIONS

In this bylaw:

“Board”	means the Board of Directors of the Sunshine Coast Regional District;
“Caretaker”	means the person or persons duly appointed or employed by the Regional District from time to time as Caretaker or Caretakers of the Cemetery or Cemeteries;
“Cemetery”	means and includes any parcel or tract of land set aside, used, maintained or operated as a cemetery by the Sunshine Coast Regional District;
“Child”	means any person three years to 12 years of age;
“Columbarium”	means an above ground structure for the inurnment of cremated remains;
“Cremated Remains”	means the remains resulting from cremation of a deceased human body;
“Cremation, Interment and Funeral Services Act”	means the <i>Cremation, Interment and Funeral Services Act</i> , SBC 2004, c.35 and all regulations thereto, both as amended from time to time;
“Director”	means the individual or administrative authority designated under section 175 of the <i>Business Practices and Consumer Protection Act</i> ;
“Infant”	means any person less than three years of age;
“Inurnment”	means the interment of cremated remains in a niche;
“Manager”	means the Regional District staff person responsible for the supervision of cemetery operations or their delegate;

“Medical Health Officer”	means the person duly appointed or employed by the Government of British Columbia to act as Medical Health Officer for the Sunshine Coast;
“Minister”	means that member of the Executive Council charged by Order of the Lieutenant-Governor-in-Council with administration of the <i>Cremation, Interment and Funeral Services Act</i> and includes a person designated in writing by the Minister;
“Niche”	means an individual compartment in a Columbarium for placement of no more than two Urns that contain cremated remains;
“Regional District”	means the Sunshine Coast Regional District;
“Treasurer”	means the person duly appointed as such from time to time by the Board.

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

3. DESIGNATED LANDS

3.1 The following lands have been set aside, operated, used or maintained as a cemetery by the Regional District:

(a) Seaview Cemetery, legally described as being:

Lot 12, District Lot 904, Group 1, New Westminster District,
Plan 4213

3.2 A copy of the plans of the cemetery shall be filed with the Director and copies shall also be kept available for public inspection in the Regional District office and at such other places as may be deemed necessary.

4. LICENCE TO USE THE CEMETERY

4.1 The Board 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 licence to use grave space in the reserved section, unless his application to the Regional District to purchase a licence 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 licences issued and services rendered by the Regional District under these conditions shall be subject to payment at the regular rates set out in the schedule of rates attached hereto as “Schedule C”.

- 4.2 Upon payment of the fees set out in Schedule "C", and subject to the terms of Section 4.1, the Manager may issue a licence to any person, granting exclusive use of a grave space or columbarium niche that is vacant and unlicensed in the cemetery. A licence issued under this section shall be in a form similar to that contained in Schedule "A" of this bylaw.
- 4.3 The Regional District reserves to itself the right to refuse to sell the use of more than two grave spaces or two columbarium niches to any one individual.
- 4.4 The holder of a License to use a grave space or columbarium niche may request the transfer of the License by submitting the Transfer fee set out in Schedule "C" and making a written request to the Manager including the full name, address, telephone number and other pertinent details of the person to whom the transfer is to be made.
 - (a) If the licence to be transferred relates to a grave space or columbarium niche located in an area reserved under an agreement made between the Board and an organization pursuant to Section 4.1 hereof, the requirements of said Section 4.1 concerning entitlement to burial in a reserved section of the cemetery shall apply to the person to whom the transfer is to be made.
 - (b) Upon compliance with the requirements of this bylaw by the licence holder and the person to whom the licence is to be transferred, the Manager may effect the transfer by noting the name of the new licence holder on the license documentation and recording the transfer in the records kept for that purpose.
- 4.5 All licenses issued for use of grave space or columbarium niche in the cemetery shall be subject to the provisions of this bylaw and all other bylaws or Acts pertaining to cemetery use.

5. FEES AND CHARGES

- 5.1 The fees for interment, disinterment, use of grave space or columbarium niche, and care of graves, and the charges for goods offered for sale by the Regional District 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.
- 5.2 The fees set out in "Schedule C" to this bylaw shall be paid at the Regional District office at the time of purchasing a cemetery licence, interment permit, or any goods or services sold by the Regional District in connection with the operation of the cemetery.

6. PERMISSION TO INTER, EXHUME AND CREMATE

- 6.1 All interments, disinterments, exhumations, cremations and funeral arrangements shall be made and carried out in strict compliance with the requirements of this bylaw, the *Cremation, Interment and Funeral Services Act* and all other applicable bylaws, statutes and regulations.

- 6.2 No interment or inurnment in the cemetery shall take place until a permit has been obtained from the Regional District and the fee for interment or inurnment as set out in "Schedule C" hereof has been paid to the Regional District except as may be permitted otherwise under the terms of Section 6.7.
- 6.3 All permits for interment or inurnment of deceased persons in the cemetery shall be in the form similar to "Schedule B" attached hereto and forming part of this bylaw.
- 6.4 All applications for a permit to inter in the cemetery must be made at the Regional District offices between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, except holidays and posted office closures, and in cases of emergency as described in Section 6.7.
- 6.5 Any person requesting an interment or inurnment permit or who requires an interment or inurnment to be made, shall provide the Regional District with a statement of name, age and date of death of the deceased, whether or not death was caused by a communicable disease, the time and date of the funeral and any other information which it is reasonable for the Regional District to request.
- 6.6 No person shall be granted a permit to inter in an area of the cemetery which the Board has reserved under the provisions of Section 4.1 hereof for burial of members of a church, society, or other organization, except where the applicant for the permit provides the Manager 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.
- 6.7 Where the Medical Health Officer 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 Regional District's offices are closed, permission to inter in the cemetery shall be obtained from the Manager.
- 6.8 Where a burial in the cemetery is performed under the conditions of Section 6.7, the person who permitted the burial and the person who performed the burial shall report the matter to the Manager as soon as the Regional District's offices are opened with full details of the deceased as required by Section 6.5 hereof, together with such fees as may be required in accordance with "Schedule C", if such fees have not already been paid.
- 6.9 No deceased person or cremated remains interred in the cemetery shall be exhumed without a written order being first obtained from the proper authority in accordance with the *Cremation, Interment and Funeral Services Act* and the presentation of such order to the Manager for his examination.

7. INTERMENT OR INURNMENT IN THE CEMETERY

- 7.1 No remains, other than human remains, or cremated human remains shall be interred in the cemetery and all interments or inurnments shall be subject to and comply with the provisions of this bylaw.

- 7.2 The holder of a licence to use and occupy grave space in the cemetery shall not permit an interment to be made in the grave space to which the licence 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.
- 7.3 Where the remains of a person who died while suffering a communicable disease are to be buried in the cemetery, any instruction given by the Medical Health Officer respecting the interment shall be fully and carefully followed by those who perform the interment.
- 7.4 Where the human remains delivered to the cemetery for interment are subject to direction of the Medical Health Officer the person delivering the human remains to the cemetery shall inform the Caretaker.
- 7.5
- (a) Each interment in the cemetery, other than the interment of cremated remains, shall provide for not less than one metre of earth between the upper surface of the vault, casket or grave liner and the general surface level of the ground surrounding the grave site.
 - (b) One interment may be permitted in each grave space in the cemetery. A single grave may inter six cremations or one full burial and up to five cremations.
 - (c) Each interment of cremated remains in the cemetery shall be made in a container encased in fibreglass or concrete not less than 4 cm. thick, and shall be buried in the grave not less than 0.6 m deep, except where the fibreglass or 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 10.3.
 - (d) A fibreglass or concrete grave 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 sub-section (c).
 - (e) Each grave liner used in the cemetery shall be made of fibreglass or reinforced concrete not less than 5 cm thick and shall consist of two side walls, two end walls and a cover sufficient to bridge the coffin or casket over its entire length.
- 7.6 Each columbaria niche may hold a maximum of two inurnments of cremated remains dependent on niche size.
- 7.7 Cremated remains placed in a columbarium niche must be enclosed in a sealed container or urn constructed of permanent, durable material.
- 7.8 Each niche containing an urn will be sealed with an inner cover plate in addition to the granite memorial marker supplied by the Regional District.
- 7.9 The Licence Holder is responsible for ensuring the urns used for inurnment in the columbarium will fit within the niche.

- 7.10 No person shall conduct an interment or inurnment, except between the hours of ten (10) o'clock in the forenoon and three (3) o'clock in the afternoon unless permission of the Manager is first obtained and the fee set out in Schedule "C" of this bylaw is paid.
- 7.11 No person shall conduct an interment or inurnment on a Saturday or Sunday or statutory holiday unless the permission of the Manager is first obtained and the fee set out in Schedule "C" of this bylaw is paid, except in the emergency conditions as specified in Section 6.7 hereof.
- 7.12 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 Manager.

8. ADMINISTRATION

- 8.1. The Manager shall maintain records as necessary for the administration and management of the cemetery and as required under the *Cremation, Interment and Funeral Services Act*.
- 8.2. The Manager is hereby authorized of behalf of the Regional District and subject to the provisions of this bylaw to grant a licence in the form similar to that set out in "Schedule A" hereof in respect of any unoccupied and unlicensed grave space or niche in the cemetery.
- 8.3. The Manager shall issue all permits for interment required by this bylaw except as otherwise provided herein.
- 8.4. Upon issuing any permits for interment in the cemetery, or upon viewing an order for exhumation from the proper authority as required by Section 6.9 hereof, the Manager 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 Medical Health Officer relative to the interment or exhumation.

9. CARE FUND

- 9.1 A "Cemetery Care Fund" shall be established and administered in accordance with the requirements of the *Cremation, Interment and Funeral Services Act* to provide for the perpetual care and maintenance of the cemetery.
- 9.2 The Treasurer shall deposit into the "Cemetery Care Fund" all amounts received for that purpose related to fees imposed as set out in Schedule "C" of this bylaw.
- 9.3 On all licences for use of grave or niche space sold on and after the first day of September, 1997, the Treasurer shall pay into "The Cemetery Care Fund Account" from the amount received for each licence sold at the fee specified in "Schedule C" hereof, 25 percent, or \$15.00, whichever is the greater, except in those cases where a different amount is approved by the Director.

- 9.4 On all licences for the use of grave or niche space, and on all contracts or agreements for the sale of such licences, the amount required to be used for Care Fund purposes shall be specified.
- 9.5 Investment of funds received for care fund purposes shall be made as required by the Regulations to the *Cremation, Interment and Funeral Services Act* applicable to municipal cemetery care funds.
- 9.6 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.
- 9.7 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 *Cremation, Interment and Funeral Services Act*.
- 9.8 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 receipt 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 Regional District in accordance with the provisions of the *Cremation, Interment and Funeral Services Act* and the interest derived from such investment shall be expended on the upkeep and development of the cemetery.

10. MEMORIALS

- 10.1 No person shall place on any grave space in the cemetery a memorial marker, tablet or monument until the fee as set out in Schedule "C" of this bylaw has been paid.
- 10.2 No improvements to graves or grave spaces shall be undertaken in a manner that negatively impacts surrounding graves. Any improvements must first be approved by the Regional District. Any outside border must be within the boundaries of the grave site, and can be a maximum of 6 inches in height. Any planting in the middle of the grave must not grow to more than 24 inches.
- 10.3 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) Memorial tablets shall not exceed 30 inches in height.
 - (b) Each bronze memorial tablet shall be attached to a concrete base of 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 8 cm (3") thick and shall have its side surfaces true and perpendicular with its top surface.

- (d) Except as permitted otherwise in this bylaw, the top surface of memorial tablets and concrete bases shall measure as follows:
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|--|------------------------------------|
| <u>On adult size graves:</u> | up to 45 cm x 75 cm
(18" x 30") |
| <u>On infant/child size grave:</u> | up to 30 cm x 50 cm
(12" x 20") |
| <u>On cremated remains size grave:</u> | up to 30 cm x 50 cm
(12" x 20") |
| <u>On a niche front</u> | 30 cm x 30 cm
(12" x 12") |
- (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 bevelled surface to shed water to its outer edges.
- (f) Where two related persons are buried side by side in adjacent graves, one tablet up to 45 cm x 74 cm (18" x 30") which provides for the memorialization of both persons may be used instead of two separate tablets, provided the single tablet 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 sub-section (d) of section 7.5.
- (h) Columbarium cover plates and engraving must be purchased from the Regional District for a fee as set out in Schedule "C" of this bylaw.

11. GENERAL

- 11.1 Cut flowers, wreaths and floral offerings may be placed on graves, but may be removed by the Caretaker when their condition is considered to be detrimental to the appearance of the cemetery.
- 11.2 The Regional District is not obliged to repair or replace any memorial markers or covers placed upon lots or niches.
- 11.3 No person shall:
- (a) plant, cut down or destroy any trees, shrubs, plants, flowers, bulbs or rocks in the cemetery other than an employee or contractor of the Regional District authorized to do so;
 - (b) damage or deface any memorial, monument, fence, gate, structure or improvement in the cemetery;

- (c) enter the cemetery in a vehicle after sunset, or drive a vehicle in the cemetery at any time at a speed of more than 15 km/h and all vehicles and their drivers, while in the cemetery grounds, shall be subject to the reasonable directions and orders of the Caretaker;
 - (d) solicit orders for markers, tablets, memorials, curbing, cappings, or like works within the limits of the cemetery; and
 - (e) discharge any firearms in the cemetery, other than in regular volleys at burial services.
- 11.4 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.
- 11.5 The cemetery shall be deemed open at seven (7) o'clock every morning and closed every evening at eight o'clock. Any person in the cemetery between eight (8) p.m. and seven (7) a.m. the following morning, without special permission of the Caretaker, Manager or other person authorized by the Regional District to grant such permission, shall be deemed guilty of an infraction of this bylaw and liable to the penalties hereof.
- 11.6 Any person who wilfully 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 wilfully destroys, cuts, breaks or injures any shrub or plant, or plays at any game or sport, or discharges firearms (except at a military funeral), or who wilfully or unlawfully disturbs persons assembled for an interment or funeral service, or who commits a nuisance, or at any time behaves in an indecent or 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.
- 11.7 Every person who commits an offense against this bylaw and upon conviction shall be liable to a fine or penalty not exceeding two thousand dollars (\$2,000.00) and other penalties imposed under the *Offense Act*. Where the offence is a continuing one, each day that the offence is continued shall constitute a separate offence.
- 11.8 Notwithstanding anything contained in this bylaw, the administration and operation of the cemetery shall be carried out at all times in accordance with the *Cremation, Interment and Funeral Services Act* and applicable Regulations.
12. REPEAL
- 12.1 "Sunshine Coast Regional District Cemetery Bylaw No. 445, 1997" is hereby repealed.

**SUNSHINE COAST REGIONAL DISTRICT
1975 Field Road, Sechelt, BC V0N 3A1**

BYLAW NO. 689 - SCHEDULE "A"

CEMETERY LICENCE

In Consideration of _____ (name of purchaser)
of _____ (address)
having paid the sum of \$_____, being the fee for use of grave space in the Seaview Cemetery, he is hereby granted a licence and permission to use and occupy Block No. _____, Grave Space No. _____ in said cemetery for the purpose of interment and in accordance with and subject to the bylaw for the regulation of the Seaview Cemetery which may, for the time being, be in force or any law applicable thereto in force in the Sunshine Coast Regional District. In granting this licence to _____, the Sunshine Coast Regional District undertakes to maintain a Cemetery Care Fund for maintenance of the grave space herein described and the cemetery of which it forms a 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 paid, and the portion of the said fee to be set aside for Care Fund purposes shall be \$_____.

Dated this _____ day of _____, 20_____.

**Manager
Sunshine Coast Regional District**

MARKER LICENCE

The licensee is hereby notified in accordance with the terms of the Regulation under the ***Cremation, Interment and Funeral Act***, that memorial markers made only of stone or bronze, are permitted in the cemetery and that prior to the installation of memorial marker on the above licensed grave space a payment of \$20.00 for deposit to the Cemetery Care Fund is required to be made by the purchaser to the Sunshine Coast Regional District.

I agree to accept the above written licence upon the terms and subject to the conditions expressed above.

Signature of Licensee

THIS LICENCE IS SUBJECT TO THE "CREMATION, INTERMENT and FUNERAL SERVICES ACT" AND THE REGULATIONS MADE THEREUNDER.

REFUND POLICY

The Sunshine Coast Regional District may repurchase any vacant grave space from the holder thereof for the amount paid for the grave space exclusive of the Care Fund Contribution portion, GST and \$25.00 handling fee.

RIGHT OF RECLAMATION

With prior approval of the "Director" the Sunshine Coast Regional District may sell a right of interment for a lot in a place of interment where the right of interment for the lot has been sold previously, but only if:

- a. the owner of the right of interment is at least 90 years of age or, if living, would be at least 90 years of age;
- b. a period of at least 50 years has elapsed from the date the prior right of interment was sold;
- c. at least 90 days have passed since the date the operator sent a notice of the operator's intention to resell the right of interment to the last known address of the interment right holder and the Regional District has not received a response from the interment right holder; and,
- d. the Regional District has made diligent attempts to locate or contact the interment right holder.

SUNSHINE COAST REGIONAL DISTRICT BYLAW NO. 445

SCHEDULE "B"

INTERMENT PERMIT

Sechelt, B.C.
_____, 20__.

Permission is hereby given to _____
to have the remains of _____
interred in Block No. _____, Grave Space No. _____
on the _____ day of _____, 20____
at _____ o'clock.

Remarks

Manager

To the Caretaker of Seaview Cemetery

**SUNSHINE COAST REGIONAL DISTRICT
1975 Field Rd., Sechelt, BC V0N 3A1**

SCHEDULE "C" - BYLAW NO. 689

FEES AND CHARGES

Grave Space

Adult Size (incl. Care Fund Contribution of \$375.00)	\$	1500.00
Infant /Child Size (incl. Care Fund Contribution of \$200.00)		800.00
Cremated Remains (incl. Care Fund Contribution of \$125.00)		500.00
Niche (incl. Care Fund Contribution of \$375.00)		1500.00

Services

Opening and Closing Grave for Burial

Adult	\$	1300.00
Infant / Child		600.00
Cremated Remains		500.00
Niche		275.00

Opening and Closing Grave for Exhumation

Adult	\$	2000.00
Infant /Child		1000.00
Cremated Remains		600.00
Niche		300.00

Extra Charges for In Ground Interment

After Hours - Monday to Friday	\$	500.00
Saturday/Sunday or Statutory Holidays		600.00

Extra Charges for Niche Inurnment

After Hours - Monday to Friday	\$	250.00
Saturday/Sunday or Statutory Holidays		400.00

Installation of Memorials

(includes Care Fund Contribution of \$37.50)	\$	150.00
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Goods

Single Niche Place Inscription	\$	250.00
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Grave Liners

Adult	\$	358.00
Child		358.00
Infant		358.00
Cremated Remains		120.00

Transfer Licence

	\$	35.00
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