



The Corporation of the District of North Cowichan

## **A Bylaw to Regulate Municipal Cemeteries**

Bylaw 2933

*[Consolidated and printed by authority of the Corporate Officer under section 139 of the Community Charter. Current to May 20, 2016. Last amended December 16, 2015. Amendments: 3002, 3047, 3147, 3244, 3252, 3253, 3348, 3369, 3399, 3432, 3443, 3470, 3527, 3534, 3548, 3567.]*

The Municipal Council of The Corporation of the District of North Cowichan, in open meeting assembled, enacts as follows:

- 1** This Bylaw may be cited as the "Cemetery Bylaw 1997".
- 2** The following lands owned by the Municipality are set aside for cemetery use:
  - (1) Mountain View Cemetery, comprising,
    - (a) Lot 1, Plan 5147, Section 4, Range 4, Somenos District (0.58 acres),
    - (b) Rem. Lot 6, Plan C2458, Section 4, Range 4, Somenos District (4.42 acres),
    - (c) Lot 7, Plan C2458, Section 4, Range 4, Somenos District (1 acre),
    - (d) Lot 5, Plan C2458, Section 4, Range 4, Somenos District (8.47 acres).
  - (2) Pioneer Cemetery, comprising Lot 1, Plan 23907, Section 8, Range 2, Comiakén District (0.513 acres).
- 2.1** The Municipal Council is designated as a board of trustees to operate the Mountain View and Pioneer Cemeteries, pursuant to section 37 (2) of the *Cremation, Interment and Funeral Services Act*. [BL3527]

### **Use of cemetery space**

- 3** The Municipality shall grant to any person upon payment of the fees as prescribed in the Fees Bylaw, and subject to the terms of section 4 hereof, permission for the use by him, or his executors or administrators, of any one or more grave spaces, columbarium niches, or a combination of both, which may be vacant and unencumbered in the cemeteries. [BL3470]
- 4** No person shall use grave space in that portion of Mountain View Cemetery reserved for members of the United Church of Canada or Royal Canadian Legion without written permission from the Church or Legion.
- 5** The Municipality reserves to itself the right to refuse to sell the use of more than two grave spaces to any one individual.

## **Fees and charges**

- 6** The Fees Bylaw sets out cemetery fees, including fees for interment, disinterment, use of grave space, care of graves, inurnment, transfer of use and occupation privileges, and the charges for goods offered for sale by the Municipality. Cemetery fees shall be paid at the Municipal Hall at the time of application and at the time of purchasing goods or services sold or provided by the Municipality in connection with the operation of the cemeteries. [BL3470]

## **Interment and inurnment**

- 7** No remains other than human remains shall be interred or inurned in the cemeteries, and no interment or inurnment shall be made until the appropriate fee, as prescribed in the Fees Bylaw, has been paid to the Municipality. [BL3470]
- 8** No interments or inurnments shall be made in the cemeteries except between the hours of 8:00 a.m. and 4:00 p.m.
- 9** No deceased person shall be interred in the sections of the Mountain View Cemetery, which are reserved under section 4 of this Bylaw, if the identity shown on the burial permit differs from that of a person to whom the permission for use and occupation of the relevant space was granted by the Municipality.
- 10** Only those persons and their spouses residing in the Cowichan Valley prior to 1900, and their direct blood descendants and spouses, may be interred in Pioneer Cemetery.
- 11** A maximum of 5 interments shall be allowed in any one grave space, of which no more than one may be a body.
- 12** In Lot 5, Plan C2458, Section 4, Range 4, Somenos District, all interments of human remains and cremated remains require either a grave liner or a container constructed of non-decomposing material.
- 13** Each grave liner used in Mountain View Cemetery shall be made of reinforced concrete not less than 3.8 cm (1.5 inches) thick, or shall be an approved purpose-built fiberglass liner, and capable of covering the entire casket or coffin.
- 14** Columbaria shall be the only above-ground disposition of human remains permitted in Mountain View Cemetery.
- 15** Applications for columbarium niche plates must be made in the form prescribed by the Corporate Officer. [BL3470]
- 16** No one other than the Municipality shall dig or open any grave, install or remove memorial tablets, markers, monuments, curbing, etc., construct foundations for memorials, etc., approve grave liners, markers, monuments and foundations produced by other agencies, or carry out, or cause to be carried out, the general work of the cemeteries to maintain them in a neat and tidy condition, unless permission is first obtained from the Municipality.

## **Care fund**

- 17** (1) A fund shall be established to be known as the Cemetery Care Fund and such fund shall be administered in accordance with the procedures hereinafter set out.

- (2) A bank account shall be established to be known as the Cemetery Care Fund Account into which the Director of Financial Services shall pay all funds received for Care Fund purposes and all such funds shall be deposited and held in said account, pending appropriate investment. [BL3548]
- (3) The Municipality must deposit in the Cemetery Care Fund a portion of each fee collected pursuant to this Bylaw, as follows:
  - (a) grave space, 25%,
  - (b) columbarium niche space, 10%,
  - (c) memorial installation, \$25. [BL3470]

**Memorials**

**18** A memorial may be installed on a grave in the cemetery upon payment of the applicable sum as prescribed in the Fees Bylaw, and subject to the following:

- (1) Any plot holder, next-of-kin, or legal representative of the deceased may authorize the Municipality to remove curbs and cappings and reseed the lawn, and shall pay to the Municipality the sum for such services, as prescribed in the Fees Bylaw.
- (2) In the old section of Mountain View Cemetery legally described in section 2 (1) (a)-(c), memorials may match the appearance, setting, and size of an adjacent markers, but memorials in the remainder of Mountain View Cemetery must be installed with their top surface level and flush with the surface of the ground. [BL3567]
- (3) All grave markers or memorials must be of the tablet variety made of stone or bronze. Bronze memorials must have a 7.6 cm (3 inch) thick concrete or stone base, and all memorials, whether of stone or bronze, must conform with the following specifications:

<b>Marker or Memorial</b>	<b>Maximum Overall Size, Including any Border or Base</b>
Single (adult or child)	45.7 cm x 76.2 cm (18" x 30")
Double	55.9 cm x 121.9 cm (22" x 48")
Cremation Single	30.5 cm x 50.8 cm (12" x 20")
Cremation Double	40.6 cm x 71.1 cm (16" x 28")

[BL3252; BL3470]

**19** No grave, or grave space shall be defined by a fence, railing, curbing, hedge, or by other marking save by a memorial marker, tablet or monument, as set out in section 18 hereof.

**General**

- 20** (1) Subject to section 16, no person may place any items, other than solar lights, on, around or above a grave in Pioneer or Mountain View Cemetery. [BL3534]
- (2) Despite subsection (1),

- (a) fresh flowers and fresh wreaths may be placed on or above a grave from March 1 through September, and
- (b) artificial flowers and artificial wreaths may be placed on or above a grave from October 1 through February.

- 21** (1) No person other than an employee of the Municipality shall plant, remove, cut down or destroy any trees, shrubs, plants, flowers, bulbs, or rocks in the cemeteries.
- (2) Upon payment of the appropriate fee as prescribed in the Fees Bylaw, appropriate evergreen or flowering trees, as determined by Municipal staff, may be planted as "Living Memory Trees" in Mountain View Cemetery, and 12.7 cm (5 inch) high by 22.9 cm (9 inch) wide bronze plaques may be inscribed and mounted beside such trees.  
[BL3470]
- 22** No person shall remove, damage, or deface any memorial, monument, fence, gate, structure, plant, lot, or improvement in the cemeteries.
- 23** No person shall disturb the quiet and good order of, or otherwise violate, the cemeteries.
- 24** Any person who contravenes this Bylaw shall, upon summary conviction, be liable to a fine together with the costs of such prosecution recoverable by distress and sale of the goods and chattels of such offender, and in default of sufficient distress, such offender shall be liable to imprisonment.
- 25** The Municipality reserves the right to change the grading of a cemetery or of any sections thereof, from time to time, and to remove or regrade roads, drives and walks. The right to lay, maintain and operate, or alter or change pipe lines or gutters for sprinkling systems, drainage, etc. is also expressly reserved. The Municipality reserves to itself, and to those lawfully entitled thereto, a perpetual right of ingress and egress over grave spaces for the purpose of passage to and from other grave spaces.
- 26** The Municipality reserves and shall have the right to correct any errors that may be made by it, either in making interments, disinterments or removals, or in the inscriptions, transfer, or conveyance by substituting and conveying in lieu thereof other interment rights of equal value and similar location as far as possible, or as may be selected by the Municipality or, in the sole discretion of the Municipality, by refunding the amount of money paid on account of said purchase. In the event such error shall involve the interment of the remains of any person in such property, the Municipality reserves and shall have the right to remove and transfer such remains so interred to such other property of equal value and similar location as may be substituted and conveyed in lieu thereof. The Municipality shall not be liable in respect of any such errors, except as aforesaid.

**27-28** [Repealed; BL3470]

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Read a first, second and third time on May 7, 1997.  
Approved by the Registrar of Cemetery and Funeral Services on June 11, 1997.  
Adopted on June 18, 1997.