



District of West Vancouver

Cemetery Regulation Bylaw No. 4651, 2010

Effective Date – July 26, 2010

Consolidated for Convenience Only

This is a consolidation of the bylaws below. The amendment bylaws have been combined with the original bylaw for convenience only. This consolidation is not a legal document. Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaw on this subject.

Amendment Bylaw
Bylaw No. 4749, 2013

Effective Date
May 6, 2013

The bylaw numbers in the margin of this consolidation refer to the bylaws that amended the principal bylaw (Cemetery Regulation Bylaw No. 4651, 2010). The number of any amending bylaw that has been repealed is not referred to in this consolidation.

Consolidated Cemetery Regulation Bylaw No. 4651, 2010

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District of West Vancouver

Consolidated Cemetery Regulation Bylaw No. 4651, 2010

A bylaw to provide for the operation, regulation and maintenance
of the Capilano View Cemetery.

Previous amendments: *Amendment Bylaws 4749.*

WHEREAS the Council of The Corporation of the District of West Vancouver deems it expedient to provide for the operation, regulation and maintenance of the Capilano View Cemetery;

AND WHEREAS every operator of a cemetery or columbarium must adopt bylaws respecting its administration; fees and charges; the size, class and kind of memorial markers and materials used for memorial markers; and the rights, privileges and responsibilities of the operator, right holders, other users, suppliers, funeral providers, memorial marker dealers and the general public;

NOW THEREFORE, the Council of the District of West Vancouver enacts as follows:

Part 1 Citation

1.1 This bylaw may be cited as Cemetery Regulation Bylaw No. 4651, 2010.

Part 2 Severability

2.1 If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

Part 3 Previous Bylaw Repeal

3.1 Cemetery Regulation Bylaw No. 4310, 2002 (adopted on November 4, 2002) and the following amendment bylaws are hereby repealed:

Amendment Bylaw

Effective Date

Bylaw No.4347, 2003

December 8, 2003

Part 4 Definitions

4.1 In this bylaw

4.1.1 words and phrases defined in the *Cremation, Interment and Funeral Services Act* have that meaning unless expressly defined otherwise in this bylaw,

4.1.2 if the singular or masculine or neuter is used in this bylaw, the same must be construed as meaning the plural, the feminine or body corporate where applicable, and

4.1.3 the following apply:

“adult grave” means a lot intended for or used for the interment in a casket of a deceased person or deceased persons over 12 years of age, the interment of up to four cremated remains, or both;

“Capilano View Cemetery” or **“cemetery”** means the land acquired and set aside by the District for the operation, use and maintenance of a cemetery under the *Cremation, Interment and Funeral Services Act*, which land is legally described as District Lot 763 (PID 015-966-224), except Block A (Reference Plan 1361), Block B (Reference Plan 1371), Block C (Explanatory Plan 2823), the North 1320 feet, Part in Plan 5254, Part on Highway Plan 43;

“care fund” means a fund for the perpetual upkeep and care of the cemetery as required by the *Cremation, Interment and Funeral Services Act*;

“cemetery area” means a section, plot, lot or any of them;

“cemetery supervisor” means a person appointed by the Director to manage the day-to-day operation of the cemetery;

“child grave” means a lot intended for or used for the interment in a casket of a deceased person between the ages of two and 12 years (inclusive);

“columbarium” means an above ground structure for the inurnment of cremated remains;

“companion niche” means a niche which may accommodate up to two cremated remains;

“cremated remains” means the human bone fragments that remain after cremation and may also include the residue of any other materials cremated with the human remains;

“Cremation, Interment and Funeral Services Act” means the *Cremation, Interment and Funeral Services Act*, SBC 2004, c.35, and all regulations thereto, both as amended from time to time;

“Director” means the Director of Parks and Community Services of the District, or in his or her absence, the Senior Manager of Parks of the District, or another person designated by resolution of Council to act in the place of the Director;

“double cremation grave” means a lot intended for or used for the interment of up to two cremated remains;

“family” includes a parent or stepparent, grandparent or stepgrandparent, sibling (natural, adopted or step), spouse, child (natural, adopted or step), or grandchild (natural, adopted or step);

“family columbarium” means a group of one or more niches, each of which may accommodate up to two cremated remains, in one family columbarium specifically designed and constructed for the use of the right holders;

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“family niche” means a niche which may accommodate up to four cremated remains;

“fees” or “charges” means the amount to be paid for interment, disinterment, exhumation, memorials, transfers, re-sales, use or care of grave spaces, and the charges for goods offered for sale by the District for use in the cemetery, or any other amount specified in the *Fees and Charges Bylaw No. 4414, 2005*, as amended or replaced from time to time;

“funeral provider” means a person licensed under the *Cremation, Interment and Funeral Services Act* who owns, controls or manages a funeral service business;

“grave” means an adult grave, child grave, single cremation grave, double cremation grave, infant grave or any of them;

“grave space” means the area used for or intended to be used for interment of a deceased person in a lot or cremated remains in a lot or inurnment of cremated remains in a niche;

“infant grave” means a lot intended for or used for the interment in a casket of a deceased person under the age of two years;

“inurnment” means the interment of cremated remains in a niche;

“lot” means one of several in-ground grave spaces into which each plot is subdivided and defined or designated by means of a small letter of the alphabet;

“medical health officer” means the person duly appointed from time to time by the Vancouver Coastal Health Authority;

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“memorial marker” or **“memorial”** means all memorial work to memorialize an individual or family set on a grave with the upper surface flush with the surrounding lawn or ground cover, or a columbarium or niche front engraving; or a plaque for the ossuary memorial wall;

“Minister” means that member of the Executive Council charged by Order of the Lieutenant Governor in Council with administration of the *Cremation, Interment and Funeral Services Act* and includes a person designated in writing by the Minister;

“monument” means all memorial work set on a grave to memorialize an individual or family, with the upper surface above the ground level;

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“niche” means a space in a columbarium for the inurnment of cremated remains and is defined or designated by means of:

- a number for single columbaria;
- a capital letter, unit name, number, and up to two lower case letters for a companion columbaria;
- a capital letter, unit name, number, and up to four lower case letters for a quad columbaria; and
- a unit number, family name, and up to eight lower case letters for family columbaria;

“non-resident” means a person who is not a resident elector as defined in the *Local Government Act*, RSBC 1996, c.323 as amended from time to time, and who is not a resident of the District as defined herein;

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“ossuary” means an enclosed space in the ground into which cremated remains are poured;

“perpetual care” means the planning, administration, capital repair, upkeep and maintenance of all landscapes, buildings, fences, driveways, walks and other improvements in a cemetery belonging to the District, maintenance upon, in and around each lot and maintenance around memorial markers and monuments at reasonable intervals, pruning trees and shrubs and other similar work, the meaning and intent being to continue such work in perpetuity;

“plot” means one of the major portions into which a section is subdivided and defined or designated by means of Arabic numerals or in the case of the columbaria, names and a capital letter of the alphabet;

“registrar” means a person appointed under the *Cremation, Interment and Funeral Services Act*;

“resident” means a registered owner of property in the District, or a person who qualifies as a resident elector as defined under the *Local Government Act*, RSBC 1996, c.323, or the spouse or dependent child of such an owner or resident elector;

“right holder” means the person recorded in the books of the District as the person to whom a right of interment has been issued;

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“right of interment” means a certificate that provides for the future right to inter human or cremated remains in a lot, niche, or ossuary. References to a “right of interment” in this bylaw will apply equally to any licence issued by the District pursuant to any predecessor bylaw enacted by the District;

“right of disposition” means a permit issued by the Director granting permission for an immediate interment. A right of disposition is not required if a cremation certificate is otherwise issued;

“section” means one of the areas in the cemetery so defined or designated on a plan of the cemetery by means of a capital letter of the alphabet;

“single cremation grave” means a lot intended for or used for the interment of one cremated remains;

“transfer fee” means the charge for the transfer of a right of interment for an unoccupied grave space to a family member;

“urn” means an enclosed container or receptacle used for or intended to be used for the containment of the cremated remains of one person;

“vault – single or double depth” means an in-ground precast concrete grave space intended for or used for the interment of a deceased person, in an individual casket or urn, within a lot.

Part 5 Cemetery Plan – Subdivision of Areas, Grades of Marking

- 5.1 A section may be subdivided into a number of plots and lots or niches and the plots, lots or niches duly recorded in the Municipal Hall in the District and shown on a plan of the cemetery kept available for public inspection.
- 5.2 A copy of the plan of the cemetery must be filed with the registrar and the Director must also keep copies available for public inspection.
- 5.3 The grade of a section will be established when the ground is plotted and no change of such grade by a right holder is permitted.

Part 6 Rights of Interment

- 6.1 No first or subsequent right of interment, or right of disposition will be issued without payment of all of the applicable fees as set out in the *Fees and Charges Bylaw No. 4414, 2005*, as amended from time to time, including the fees for first and

subsequent rights of interment, rights of disposition, perpetual care, care fund, and memorials.

- 6.2 The District may, by agreement with a society, church, or other organization reserve a section of the cemetery to be used exclusively for the interment, inurnment or both of deceased members of the society, church or other organization concerned, and on such an agreement being made no person will be issued a right of interment to use a grave space in the reserved section, unless his application to the District 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 interment in the reserved section. The person or organization, as applicable, must pay the prescribed fees for the agreement, reservation, right of interment and related District services.
- 6.3 The Director is authorized on behalf of the District to grant a right of interment in the general form set out in Schedule "B" in respect of any unoccupied grave space in the cemetery, according to the scale of fees and subject to the provisions of this bylaw. A right of interment is for whole lots and cannot be issued for a portion of a lot. A right of interment does not vest in the right holder any title or interest in the land or lot but instead provides for the right to inter the person named on the right of interment.
- 6.4 The District reserves the right to limit the number of lots to which it grants rights of interment.
- 6.5 If a grave space, a right of interment for which has been issued in accordance with section 6.3, is not required for immediate use, the District may require a written statement as to the name and address of the person for whom the grave space is being reserved.
- 6.6 Right of interment transferable
 - 6.6.1 If the holder of a right of interment to use an unoccupied grave space does not want to exercise this right in the future, and the holder delivers to the Director a written request to resell the grave space, the District must refund the original right of interment fee paid, less the care fund fee and less the resale fee which is specified in the *Fees and Charges Bylaw No.4414, 2005*, as amended from time to time.
 - 6.6.2 The holder of a right of interment may transfer his right of use to a family member if the holder first provides the Director with full particulars in writing as to the name, relationship and address of the person to whom such transfer is desired to be made, plus payment of the applicable fees, including transfer fee, non-resident fee, and care fund fee.
 - 6.6.3 If the right of interment to be transferred relates to a grave space located in an area reserved under an agreement made between the District and an organization under Section 6.2, entitlement to interment in a reserved section of the cemetery shall apply to the person to whom the transfer is to

be made.

- 6.6.4 A transfer fee shall be paid prior to the transfer of any right of interment under subsections 6.6.2 or 6.6.3. The transfer fee is specified in the *Fees and Charges Bylaw No.4414, 2005*, as amended from time to time. Subject to subsection 6.7.1, if the right of interment was issued to a resident of the District and is to be transferred to a family member not a resident of the District at the date of transfer, the transfer fee plus a non-resident right of interment fee and care fund fee must be paid for each grave space transferred.
- 6.6.5 Upon receipt of the transfer fee and compliance with this bylaw the Director will transfer the right of interment from the right holder to the family member to whom the right of interment is to be transferred, by an endorsement upon the right of interment to that effect and record the same in the books or other records kept by the District for that purpose.
- 6.7 Non-residents
- 6.7.1 For each grave space purchased for the immediate or future interment of a person who is a non-resident, a non-resident right of interment fee and a non-resident care fund fee are payable at the time of purchase, in addition to the right of interment fee and care fund fee payable by a resident of the District.
- 6.7.2 If a right of Interment was issued to a non-resident and if the non-resident right of interment fee and care fund fee were not paid, the current non-resident right of interment fee and care fund fee apply unless the person to be interred is a resident of the District when the application for a right of disposition is made.
- 6.7.3 If a right of interment was issued to a resident who later becomes a non-resident, no non-resident right of interment fee or care fund fee applies when the application for a right of disposition is made.
- 6.7.4 If a right of interment was issued to a non-resident who later becomes a resident, no refund of non-resident right of Interment fee or care fund fee applies.
- 6.8 In the case of the death of a person holding a right of interment to use one or more grave spaces, the District may assign the right to a surviving member of the person's family. The fee is the same as that for a transfer as specified in the *Fees and Charges Bylaw No.4414, 2005* as amended from time to time. On the death of the holder of a right of interment, if no prior designation has been filed, the following rules govern the right to interment therein:
- 6.8.1 the deceased holder of the right of interment has first right to interment;
- 6.8.2 the surviving spouse has the next right to interment in the event two or

more lots or niches were reserved;

- 6.8.3 if the original right holder does not make a designation during his life time, the heirs of the said right of interment may, by an agreement in writing, duly signed by each of them, and subject to the non-resident provisions of subsection 6.6.4, determine who among them has the right of interment in said lots;
 - 6.8.4 if the original right holder or his heirs have not arranged for future interments, the direct lineal descendants of the right holder in order of their death, and subject to the non-resident provisions of subsection 6.6.4, are entitled to the right of interment until all the lots are occupied;
 - 6.8.5 if there are no lineal descendants, the nearest of kin to the right holder, subject to the non-resident provisions of subsection 6.6.4, has the right to interment in the grave space in order of their death, until all the lots are occupied.
- 6.9 The Director may allow a right holder who was a resident at the time they purchased a right of interment to maintain their resident status if they purchase a new right of interment for themselves to replace the previous right of interment.

Part 7 Permission for Interment, Exhumation and Disinterment

- 7.1 No deceased person or cremated remains may be interred in the cemetery except as authorized under the terms of the *Cremation, Interment and Funeral Services Act* in compliance with and subject to the provisions of this bylaw.
- 7.2 After the death of a right holder, a right of disposition as specified in Schedule "C" of this bylaw must be completed, executed and delivered to the Director during regular business hours of the District, at least two (2) business days prior to interment in the applicable grave space, except in the case of an interment of a person who has died from a communicable disease as defined by the *Public Health Act*, SBC 2008, c.28, and with instruction from the medical health officer to inter within thirty six (36) hours of time of death.
- 7.3 A person other than a licensed funeral provider who makes application for a right of disposition must deliver to the Director a certificate of registration of death and a burial permit issued by a district registrar of vital statistics under the *Vital Statistics Act*, RSBC 1996, c.479, together with such other information as the Director may reasonably require. Any licensed funeral provider upon application for an interment must furnish such information as the Director may require, except that information required by the Director with respect to diseases from which the deceased person suffered at death may relate only to the question of whether or not they were affected by any of the communicable diseases as defined in the *Public Health Act*, SBC 2008, c.28.
- 7.4 No deceased person or cremated remains interred in the cemetery will be exhumed

without a written order being first obtained from the proper authority in accordance with the requirements of the *Cremation, Interment and Funeral Services Act* and delivered to the Director with payment of the prescribed fee.

7.5 The interment of cremated remains will be made only in those sections of the cemetery specifically designated and laid out for that purpose.

7.6 Interments

7.6.1 Interments are permitted as follows:

- (a) for an adult grave, including a grave space previously termed "full burial plot", a maximum of one casket and four cremated remains;
- (b) for an adult grave where a single depth vault is being used, a maximum of one casket and four cremated remains;
- (c) for an adult grave where a double depth vault is being used, a maximum of two caskets and four cremated remains;
- (d) for a child grave, infant grave, single cremation grave or double cremation grave, the number of interments (including caskets and/or cremated remains) permitted under Part 4 of this bylaw;
- (e) in the case of a parent and newborn child who died within 48 hours of each other the two interments may be combined in one casket or urn;
- (f) in the case of a family columbarium where the dimensions of a single niche will accommodate, more than one urn is permitted;
- (g) in addition to the interment fees, both exhumation and re-interment fees apply if an urn or casket is exhumed and re-interred in order to accommodate additional urns or caskets in the same lot. No exhumation or re-interment fees apply if the order of interment of those entitled to be interred in a lot does not require that any casket or urn be exhumed.

7.6.2 All interments or inurnments of cremated remains must be enclosed within an urn except after interment by pouring cremated remains in an ossuary.

7.6.3 A cremation liner, which may be supplied by the District for a fee specified in the *Fees and Charges Bylaw* No. 4414, 2005, as amended from time to time, must be used for in-ground interments of cremated remains.

7.6.4 A precast concrete, fibreglass, or equivalent grave liner, which may be supplied by the District must be used for the interment of each adult in an adult grave except where a vault of concrete, steel or other material approved by the District is used, and the liner must cover the top and ends of the casket.

7.7 Inurnment

7.7.1 Materials used for the construction and design of a family columbarium unit must be of a standard and design matching those of the existing columbaria in structure, form and appearance.

7.7.2 Each inurnment in a niche must comply with the following:

- (a) each inurnment in a niche, except those of sufficient size in a family columbarium, will contain a maximum of one urn or other container, the maximum outside dimensions of which do not exceed 9.5" x 9.5" x 9.5"; and
- (b) each niche containing an urn will be sealed with an inner cover plate in addition to the granite memorial marker supplied by the District.

7.8 Interment is permitted only between the hours of 10:00 a.m. and 3:00 p.m. week days. Overtime fees specified in the *Fees and Charges Bylaw No. 4414, 2005*, as amended from time to time, apply to an interment that occurs beyond this time, unless the District is responsible for the additional time.

7.9 Interment on a Saturday, Sunday or statutory holiday is permitted only between the hours of 10:00 a.m. and 3:00 p.m., subject to fees specified in the *Fees and Charges Bylaw No. 4414, 2005*, as amended from time to time.

7.10 No grave space may be dug, opened or made ready for interment or otherwise by any person other than the cemetery supervisor or by authorized cemetery staff.

7.11 Remains removed from other cemeteries for reinterment in Capilano View Cemetery must be accompanied by the documents prescribed by enactments.

7.12 A request for exhumation or disinterment must be made in writing to the Director during regular business hours and fees paid as set out in the *Fees and Charges Bylaw No. 4414, 2005*, as amended from time to time.

Part 8 Cemetery Supervisor

8.1 The cemetery supervisor may manage and operate the cemetery.

8.2 Funeral processions, while in the grounds of the cemetery, shall be under the control of the cemetery supervisor.

Part 9 Memorials

9.1 Not more than one memorial marker may be installed on a grave space in the cemetery subject to the following:

- 9.1.1 A memorial marker located on lots must be constructed only of either granite or bronze. A marker constructed of granite must have a minimum thickness of 3.0". A bronze marker must be delivered to the cemetery set on a concrete or granite base having a minimum thickness of 3.0". Granite memorial markers and the concrete or granite base for bronze memorial markers must have their edges cut smooth and true and perpendicular to the top surface to not less than 1.5" below the top surface. Lead letters or lead borders are not permitted on memorial markers unless countersunk so that the face of the letters or border is level with the face of the stone.
- 9.1.2 A bronze memorial marker for a single cremation grave, unless requested otherwise in writing to the Director, must be supplied by the District in consideration of the prescribed fee. If another person supplies a bronze memorial marker, it must comply with the requirements of this bylaw.
- 9.1.3 Columbarium memorial markers must be purchased from the District for a fee as specified in the *Fees and Charges Bylaw* No. 4414, 2005, as amended from time to time.
- 9.1.4 Memorial markers, except those on the columbaria, must be set with their upper surface level, and slightly below the surface of the surrounding lawn or ground cover. Monuments are expressly prohibited.

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9.1.5 The sizes of the memorial markers are limited to the following dimensions:

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(a) On an adult grave space: 12" x 20" or 16" x 28" or 18" x 30". All must have a 3.0" minimum thickness.

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(b) On a double cremation grave: 12" x 20" or 16" x 28". All must have a 3.0" minimum thickness.

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(c) In between two adjoining adult grave spaces or two adjoining double cremation grave spaces: 16" x 28" or 18" x 30". All must have a 3.0" minimum thickness.

(d) On grave spaces reserved exclusively for interment of one cremated remains: 8.5" x 12.5" bronze.

(e) On niche fronts and memorial wall plaques:

- niche front of a single columbaria: 12" x 12";
- niche front of a companion columbaria: 14 1/8" x 10 3/4";
- niche front of a quad columbaria: 28 3/8" x 10 3/4";
- niche front of a family columbaria: by agreement with the Director;
- ossuary memorial wall plaques: irregular shaped approximately 6" x 1 1/3".

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- (f) No memorial markers of any sizes other than those specified in this bylaw shall be permitted.
- 9.1.6 The name of the deceased on a memorial marker must be in the English alphabet in addition to any other language to ensure accurate record keeping by the District.
- 9.1.7 No memorial marker may be set on or removed from a lot unless the person or firm supplying it has made application, has paid the applicable fees and has received a permit, the said fee being in addition to the payment to the care fund where applicable. A memorial marker removed from a grave space in accordance with this section shall, if not claimed and removed from the cemetery within 90 days, will be disposed of by the District without recourse by the person or firm responsible for removing it from the lot or the person who set or caused it to be set in the first instance. Only the cemetery staff may do the work of setting or removing memorial markers.
- 9.1.8 No grave space may be defined by a fence, railing, coping, curbing, hedge, or by other marking save by a memorial marker as set out in this section.
- 9.1.9 Private, fraternal, church or public memorials, being memorials other than to memorialize an individual or family, are only permitted with the approval of the Director as to compliance with this bylaw and location. The application for approval must be accompanied by designs of the structures drawn to a scale with complete specifications.
- 9.1.10 The District is not obliged to repair or replace any memorial markers placed upon lots.
- 9.1.11 Right holders must keep in good repair all memorial markers upon their lots and on failure to do so the District may perform the repairs, and the amount is a debt due by the holder or their personal representatives to the District.
- 9.1.12 Right holders installing a memorial marker with an inset photograph shall sign a waiver acknowledging that the District will not be responsible for damage to the memorial marker.
- 9.1.13 If a grave space, including where a single or double depth vault is used, is not being used to inter the maximum number of caskets and cremated remains as that grave space is designated to allow, "In Memoriam" engravings may be made on the memorial marker in addition to the data of the person who is interred in the grave space. The maximum size of the memorial marker in subsection 9.1.5 applies. The maximum number of names, whether interred in the grave space or marked "In Memoriam", is the maximum number of combined caskets and cremated remains permitted in that grave space. The data of each person memorialized must

be clearly marked "In Memoriam" and requires payment of applicable fees specified in the *Fees and Charges Bylaw No. 4414, 2005*, as amended from time to time, including memorial marker setting fee, care fund fee, resetting fee and memorial fee.

- 9.1.14 If an interment subsequent to the first interment is carried out on the same lot, the relevant fees for engraving additional names onto and resetting memorial markers apply.

Part 10 Fees and Charges

- 10.1 All required fees and charges must be paid in advance at the cemetery office in accordance with the *Fees and Charges Bylaw No. 4414, 2005*, as amended from time to time, at the time of application for a right of interment, right of disposition, exhumation, re-interment, memorial marker, transfer, resale, memorial or other products or services unless other financial arrangements satisfactory to the Director are made.

Part 11 Administration and Care Fund

- 11.1 The Director and the Director of Finance will maintain records as required by the *Cremation, Interment and Funeral Services Act*.
- 11.1.1 A care fund is established and administered in accordance with the requirements of the *Cremation, Interment and Funeral Services Act*.
- 11.1.2 The Director of Finance must transfer to the care fund amounts specified in the *Fees and Charges Bylaw No. 4414, 2005*, as amended from time to time, except in those cases where a different amount is approved by the registrar under the *Cremation, Interment and Funeral Services Act*.
- 11.1.3 The Director of Finance is authorized to accept donations to the cemetery from any person having the right to use any grave space or area within the cemetery or from any other person or municipality interested and all donations must be paid into and deposited by the Director of Finance to the credit of the cemetery fund.
- 11.1.4 All monies received by the District for the care fund must be held as trust funds to be devoted solely to the purpose of planning, administration, capital repair, upkeep and maintenance of the cemetery and may be invested as governed by the *Community Charter, SBC 2003, c.26*, except that the investment of the funds must be made as required by the *Cremation, Interment and Funeral Services Act* as applicable to municipal cemetery care funds.
- 11.1.5 The principal sum of the care fund established under this bylaw must not be reduced except in accordance with an order of the registrar made

pursuant to the *Cremation, Interment and Funeral Services Act*.

- 11.1.6 The interest earned on the investments of the care fund, and earned income, including any appreciation, must be used for the sole purpose of upkeep and care of the property licensed and the cemetery of which it forms a part.
- 11.2 All monies received from the sale of lots in the cemetery, after providing for the amount required to be paid into the care fund together with all monies received for interments, preparing niches and for other matters and things in this bylaw provided for, must be paid into the cemetery fund of the District, and all expenses of the cemetery and all current expenses and upkeep and maintenance of same, including salaries of those employed at the cemetery, repairs, insurance and charges must be paid out of the said cemetery fund.

Part 12 General Rules and Regulations

- 12.1 No person, except in the employ of the District, may, without written permission from the Director, undertake or execute any work in connection with the beautifying, improving or maintenance of any grave space, nor shall any person trim, plant, prune or remove any part of any tree, shrub, or plant in the cemetery whether on his lot or niche or not without written permission from the Director. This section does not apply to the placing of cut or potted flowers in the receptacle provided on grave spaces.
- 12.2 At the time of interment, wreaths and floral offerings may be placed on graves but may be removed by the cemetery staff when they become wilted or unsightly, or if necessary or expedient for the operation of the cemetery. Persons wishing to retain these items must remove them within 48 hours after interment.
- 12.3 Items placed on graves
 - 12.3.1 Potted plants, cut and artificial flowers placed on graves must be put in a container and placed in the 4" receptacle provided by the District sunk so that the top of the container is level with the lawn. Only plastic or biodegradable containers are acceptable.
 - 12.3.2 Artificial flowers may be placed as described in subsection 12.3.1 during the period November 1 to April 1 only.
 - 12.3.3 The District accepts no responsibility for preservation of potted plants, cut or artificial flowers whenever placed.
 - 12.3.4 One additional 4" flower receptacle will be supplied by the District on payment of the fee as specified in the *Fees and Charges Bylaw No. 4414, 2005*, as amended from time to time.
 - 12.3.5 Potted plants in a 4" container, cut or artificial flowers may only be placed

at the base of the columbaria. Only plastic or biodegradable containers are acceptable. The placement of flowers on the top of the columbaria is specifically prohibited.

- 12.4 All trees and shrubs planted, and benches installed in the cemetery including those donated shall be approved by and become the property of the District.
- 12.5 Every person causing damage to any memorial marker, columbarium, monument, fence, gate, structure or landscape in the cemetery or any improvements in the cemetery is liable to a penalty or fine as stated in the *Cremation, Interment and Funeral Services Act*.
- 12.6 The District does not permit and is not responsible for boxes, shells, toys, wire screens, arbours, trellises, chairs, decorations and objects of similar description placed on any lot or columbarium.
- 12.7 No person may enter the cemetery in a vehicle after sunset, or drive a vehicle in the cemetery at any time at a speed of more than 20 km/h, and all vehicles and their drivers while on the cemetery grounds are subject to the directions and orders of the cemetery supervisor and must not upon any pretext whatever be driven by any person on or over an interment lot. An owner of a vehicle will be held responsible for any damage done by them or their servants or agents in violation of the provisions of this bylaw.
- 12.8 No person may solicit orders for flowers, memorial markers or any such items within the limits of the cemetery, except orders may be taken for such items by the cemetery supervisor or designated municipal staff when authorized to do so.
- 12.9 If a tree, shrub or plant situated on any lot by means of its roots, branches or otherwise becomes detrimental or dangerous, to the adjacent lots or walks, the cemetery supervisor may enter on the lot and remove the plant in whole or part.
- 12.10 No person may discharge firearms in the cemetery unless permission is given by the Director, and then only for ceremonial purposes.
- 12.11 No person may enter the cemetery after sunset or before sunrise without special permission from the cemetery supervisor.
- 12.12 Cemetery staff will remove items placed on any grave space deemed to be in violation of this bylaw.
- 12.13 No person may bring a dog, except on a leash, or any other animal into the cemetery.
- 12.14 No person may offer or give a tip, gratuities or gift to a District cemetery employee.
- 12.15 Special events in the cemetery shall be permitted upon application and approval by the Director.
- 12.16 No person, being the holder of an unoccupied lot or niche, in the cemetery and

wishing to dispose of same, may advertise or in any other way publicize the said lot or niche being for sale, but any such person may make arrangements with the Director as provided in subsection 6.6.1.

- 12.17 If a person having charge of interment arrangements on behalf of the deceased or his family specifies a particular grave space to be opened, no change of location after the opening will be made except at the expense of the right holder.
- 12.18 The District is not liable for any damage done to any memorial marker for damage resulting from the memorial marker or curbing settling after installation.

Part 13 Offence and Penalty

- 13.1 Every person who commits an offence under the *Cremation, Interment and Funeral Services Act*, is deemed to have contravened this bylaw and committed an offence under this bylaw and is liable, upon summary conviction, to a fine not exceeding \$10,000 and not less than \$2,500, and is guilty of a separate offence each day that a violation continues to exist.
- 13.2 Every person who violates a provision of this bylaw, or who consents, allows or permits an act or thing to be done in violation of a provision of this bylaw, or who neglects to or refrains from doing anything required to be done by a provision of this bylaw, is guilty of an offence and is liable, upon summary conviction, to a fine not exceeding \$10,000 and not less than \$2,500, and is guilty of a separate offence each day that a violation continues to exist.
- 13.3 Every person who commits an offence is liable on summary conviction to a fine or to imprisonment, or to both a fine and imprisonment, not exceeding the maximum allowed by the *Offence Act*, RSBC 1996, c.338.

Schedules

- Schedule A – Order Form
- Schedule B – Right of Interment
- Schedule C – Right of Disposition
- Schedule D – Exhumation Permit
- Schedule E – Memorial Marker Setting Permit

READ A FIRST TIME on July 19, 2010

READ A SECOND TIME on July 19, 2010

READ A THIRD TIME on July 19, 2010

ADOPTED by the Council on July 26, 2010.

Mayor

Municipal Clerk

Schedule A – Order Form

Schedule B – Right of Interment

THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER CAPILANO VIEW CEMETERY RIGHT OF INTERMENT

In consideration of _____ (the “Right Holder”)
of: _____ (Address)

having paid the sum of \$_____ being the fee for use of grave space in Capilano View Cemetery (the “Cemetery”), the Right Holder is hereby granted a Right of Interment for the use and occupation of grave space described as

Section _____ Plot _____ Lot(s)/Niche(s) _____ in the Cemetery for the purpose of interment and in accordance with and subject to the provisions of the Bylaw for the regulation, maintenance and operation of the Cemetery, and all other applicable Bylaws now or hereafter passed by Council. In granting this Right of Interment with respect to

The Corporation of the District of West Vancouver undertakes to maintain a Cemetery Care Fund for maintenance of the grave space specified herein and the Cemetery and will set aside In Trust, within the present calendar year, for use of the Cemetery Care Fund, a minimum of 25% of the above fee for that purpose.

Dated _____, _____ at the Corporation of the District of West Vancouver

Per: _____
Director of Parks and Community Services

RIGHT OF INTERMENT: RIGHT HOLDER’S ACCEPTANCE

The Right Holder is hereby notified, in accordance with the terms of the Regulations under the *Cremation, Interment and Funeral Services Act*, that bronze and granite are the only materials permitted for memorial markers in the cemetery and that prior to installation of such memorial markers on the above licensed grave space a payment to the cemetery care fund is required to be made by the purchaser to the Corporation of the District of West Vancouver, over and above the prescribed fee for setting any such memorial marker.

The right holder accepts the above right of interment on the terms and conditions expressed in it and the right holder agrees to indemnify and save harmless the Corporation of the District of West Vancouver and its respective officers, employees, servants, agents, heirs, successors and assigns from and against any and all claims whatsoever including all damages, liabilities, expenses, costs and legal or other fees incurred in respect of any such claims or any actions or proceedings brought thereon arising directly or indirectly from or in connection with the granting of this right of interment and the right holder’s use of the cemetery.

REFUND POLICY

If the holder of a right of interment to use an unoccupied grave space does not want to exercise this right in the future, a written request to resell must be made to the Director of Parks and Community Services. The District will refund the original right of interment fee paid less the care fund charge and less the resale fee, which is specified in the *Fees and Charges Bylaw No.4414, 2005*, as amended from time to time.

THIS RIGHT OF INTERMENT IS SUBJECT TO THE *CREMATION, INTERMENT AND FUNERAL SERVICES ACT*, THE *BUSINESS PRACTICES AND CONSUMER PROTECTION ACT* AND REGULATIONS AND BYLAWS THEREUNDER.

ORDER # _____

Right Holder’s Signature _____

Schedule C - Right of Disposition

THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER
CAPILANO VIEW CEMETERY
RIGHT OF DISPOSITION

DECEASED INFORMATION

Name: _____ Age: _____
Address: _____ Sex: _____
Date of Birth: _____ Place of Birth: _____
Date of Death: _____ Place of Death: _____

NEXT OF KIN

Name: _____ Relationship to Deceased: _____
Address: _____ City, Province: _____
Postal Code: _____ Phone: _____
Email: _____

CEMETERY

Lot location: _____ Section: _____
Interment Date: _____ Time: _____
Memorial Service Date: _____ Time: _____
Funeral Home: _____ Telephone: _____

AUTHORIZATION

This authorization acknowledges that the information provided and services and products selected by me are accurately reflected herein and that the use, memorialisation and visitation of a lot in the cemetery is subject in every way to the District of West Vancouver's Cemetery Regulation Bylaw as amended, and rules and regulations of the cemetery as they may be in effect at the time of interment or as may be amended from time to time thereafter.

Under order of priority provisions of the *Cremation, Interment and Funeral Services Act*, I certify that I am the legally authorized representative of the above named deceased. Further I certify that I have the full legal right to authorize use of the above identified lot, do hereby authorize the interment of the above named deceased under the terms and conditions outlined herein and accept all responsibility for costs associated with this authorization. I agree to indemnify and hold harmless the District of West Vancouver, its officers and employees, from liability, costs, expenses or claims resulting from this authorization.

Signature of Authorized Person

Printed Name: _____ Relationship to Deceased: _____
Address: _____ City, Province: _____
Postal Code: _____ Phone: _____
Email: _____

THIS RIGHT OF DISPOSITION IS SUBJECT TO THE *CREMATION, INTERMENT AND FUNERAL SERVICES ACT* AND REGULATIONS THEREUNDER.

Schedule D - Exhumation Permit

THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER
CAPILANO VIEW CEMETERY
EXHUMATION PERMIT

Date: _____

To the Cemetery Supervisor: _____ Permit # _____

Permission is hereby granted to _____

to have the remains of _____

exhumed from Capilano View Cemetery in Section _____ Plot _____ Lot/Niche _____

on _____, _____ at _____ o'clock
(Month) (Day) (Year)

Remarks:

Director of Parks and Community Services

Order # _____

Per: _____

THIS EXHUMATION PERMIT IS SUBJECT TO THE *CREMATION, INTERMENT AND FUNERAL SERVICES ACT* AND REGULATIONS THEREUNDER.

Schedule E - Memorial Marker Setting Permit

THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER
CAPILANO VIEW CEMETERY
MEMORIAL MARKER SETTING PERMIT

Date: _____

Permit # _____

THIS IS TO CERTIFY that

has paid for the setting/resetting of a _____ Memorial Marker on

Section _____ Plot _____ Lot(s)/Niche(s) _____

Name _____

Size _____

Remarks

Installation Fee: \$ _____

Care Fund Contribution: \$ _____

Total GST: \$ _____

Director of Parks and Community Services

Per: _____

Order # _____

THIS MEMORIAL MARKER SETTING PERMIT IS SUBJECT TO THE *CREMATION, INTERMENT AND FUNERAL SERVICES ACT* AND REGULATIONS THEREUNDER.