



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	Effective Date
Bylaw No. 5082, 2020	October 19, 2020
Bylaw No. 4749, 2013	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 The number of any amending bylaw that has been repealed is not referred to in this consolidation.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 and 5082.*

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Cemetery Regulation Bylaw No. 4310, 2002 (adopted on November 4, 2002) and the following amendment bylaws are hereby repealed: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 grave that can accommodate the interment of the human remains

(a) within one casket, of a deceased person aged thirteen or older, or

(b) within a double-depth crypt where permitted, of up to two deceased persons, aged thirteen or older, each in a separate casket;

along with the interment of up to four cremated remains;

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

“child grave” means a grave for the interment of a deceased child between the age of two and twelve years (inclusive) within one casket and the interment of up to four cremated remains;

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

Amendment
Bylaw 5082

Amendment
Bylaw 5082

Amendment
Bylaw 5082

Amendment
Bylaw 5082

“**cremation grave**” means a grave allowing for the interment of cremated remains and may include a single or double grave;

Amendment
Bylaw 5082

“**crypt**” means a pre-installed in-ground, pre-cast concrete grave space, having 4 sides, a bottom and a top, and intended or used for the interment of a deceased person within an individual casket, and includes a single-depth or double-depth crypt;

“**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;

Amendment
Bylaw 5082

“**Director**” means the person appointed as Director of Parks, Culture & Community Services for the District, or in his or her absence, the Senior Manager of Parks, or in the absence of both, a person designated to act in the place of the Director;

Amendment
Bylaw 5082

“**District**” means the District of West Vancouver;

“**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;

“**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;

Amendment
Bylaw 5082

“**Fees and Charges Bylaw**” means the District’s Fees and Charges Bylaw;

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

“**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;

Amendment
Bylaw 5082

“**infant grave**” means a grave for the interment of a deceased person under the age of two within one casket and the interment of up to four cremated remains;

Amendment
Bylaw 5082

“**interment permit**” means a permit issued by the Director to allow an at-need interment in the cemetery;

“**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;

Amendment
Bylaw 5082

“**memorial marker**” or “**memorial**” means a work to memorialize an individual or family interred in the cemetery that:

- (a) when set on a grave, is placed so that the upper surface is approximately 1/4 inch below the surrounding lawn or ground cover;
- (b) may be placed on a columbarium or niche front as an engraving;
- (c) may be placed on the ossuary memorial wall as a plaque, or
- (d) a wall or plaque at the scattering garden

but does not include a monument or other work placed on a grave with the upper surface above the ground level;

“**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;

Amendment
Bylaw 5082

“**niche**” means a space in a columbarium to accommodate the inurnment of cremated remains, that may include:

- (a) a single niche, for one cremated remains,
- (b) a double niche, for two cremated remains, or
- (c) a quadruple niche, for up to 4 cremated remains;

“**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;

Amendment
Bylaw 4749

“**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;

Amendment
Bylaw 5082

“**registrar**” has the same meaning as “Director” 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;

Amendment
Bylaw 5082

“**right of disposition**” means a right to arrange for the at-need interment of a deceased person, as applied for and executed by the authorized representative of the deceased in accordance with this bylaw, and issued by the Director as a permit in the form set out in Schedule “C”;

Amendment
Bylaw 5082

“**right of interment**” means a right, in perpetuity, for the interment of human remains or cremated remains, in a lot;

Amendment
Bylaw 5082

“**scattering garden**” means a portion of land in the cemetery that is designated by the District as being reserved for the irreversible dispersal of cremated remains within a defined area or feature, and where such dispersal may result in the co-mingling of those cremated remains;

Amendment
Bylaw 5082

“**section**” means a portion of land in the cemetery that may be subdivided into plots, each of which is identified on a plan of the cemetery by a capital letter of the alphabet or by a name;

“**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;

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.

Amendment
Bylaw 5082

5.2 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

- Amendment Bylaw 5082 6.1 No right of interment or any other permit will be issued or service provided until the District receives payment of any and all applicable fees established in the Fees and Charges Bylaw.
- Amendment Bylaw 5082 6.2 The District will not enter into any agreement with a society, church or other organization to reserve a section or any portion of the cemetery for the exclusive use of interment of their members; but any existing agreements with a society, church or other organization for such purposes will continue in effect.
- 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.
- Amendment Bylaw 5082 6.4 A person may not acquire rights of interment for more than two pre-need grave spaces. The District reserves the right to limit the number of pre-need grave spaces for which rights of interment may be granted in any calendar year.
- Amendment Bylaw 5082 6.5 The District must be provided with the full name and current residential address of each person for whom a right of interment is issued. Documented evidence of resident status of each person for whom a right of interment is issued must be provided at the time the right of interment is purchased, and for this purpose, a valid British Columbia Driver's Licence, Care Card or Identification Card, issued by the Province of British Columbia, along with any one of the following documents, is required:
- (a) a valid Owner's Certificate of Insurance and Vehicle Registration issued by ICBC;
 - (b) a current utility bill for electricity, gas, cable or land line telephone at the residence;
 - (c) a Property Tax Notice or Utility Notice issued by the District within the past year;
 - (d) a current Property Assessment Notice issued by the B.C. Assessment Authority.
- If the resident status of the right holder cannot be established with documents as described above, the Director may accept any alternative documentation that the Director considers adequate evidence that the named right holder is a resident of the District.
- 6.6 Right of interment transferable

Amendment
Bylaw 5082

6.6.1 A person who has purchased a right of interment may cancel the right of interment if.

- (a) there are no interments in the grave space; and
- (b) the purchaser or authorized representative submits a written application to the Director requesting cancellation.

If a person has cancelled a right of interment, the fees paid for the right of interment, less the amount of care fund fee and less the administrative fee, will be refunded to the purchaser.

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.

Amendment
Bylaw 5082

6.7.3 If a right of interment has been issued to a person who later becomes a non-resident, the fees applicable to a non-resident right of interment or perpetual care fund do not apply when the application for a right to 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;

Amendment
Bylaw 5082

6.8.2 the surviving spouse has the next right to interment in the event two or more lots or niches were purchased;

Amendment
Bylaw 5082

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 6.6.5, determine who among them has the right of interment in said lots;

Amendment
Bylaw 5082

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 6.6.5, are entitled to the right of interment until all the lots are occupied;

Amendment
Bylaw 5082

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 6.6.5, 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 applies for a right of disposition must provide the Director with:

- (a) a disposition permit and acknowledgment of registration of death issued under the *Vital Statistics Act* (British Columbia), or as issued by the vital statistics registrar of another jurisdiction where the death occurred;
- (b) a completed form of application for a right of disposition as set out in Schedule C; and
- (c) such other information requested by the Director in relation to the interment of the deceased in the cemetery;

and any funeral director, on applying for an interment, must provide such information as required by the Director in relation to the proposed interment.

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 crypt is being used, a maximum of one casket and four cremated remains;
- (c) for an adult grave where a double depth crypt 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;

Amendment
Bylaw 5082

Amendment
Bylaw 5082

Amendment
Bylaw 5082

(f) in the case of a family columbarium where the dimensions of a single niche will accommodate, more than one urn is permitted;

Amendment
Bylaw 5082

(g) only human or cremated remains of family members may be interred within the same grave space.

Amendment
Bylaw 5082

7.6.2 Interment or inurnment of cremated remains must be enclosed within an urn except for pouring cremated remains in an ossuary or scattering garden. An urn may be made of plastic, metal, ceramic, glass, stone, wood or cardboard and weigh no more than 10 kilograms including when containing the cremated remains.

Amendment
Bylaw 5082

7.6.3 A cremation liner, which will be supplied by the District for a charge specified in the Fees and Charges Bylaw, must be used for in-ground interments of cremated remains.

Amendment
Bylaw 5082

7.6.4 Human remains that are to be interred by in-ground full burial must be enclosed within a casket that is durable and capable of being set on a lowering device to be lowered into the grave.

Amendment
Bylaw 5082

7.6.5 It is the responsibility of the applicant for a right of disposition to ensure that the casket or urn, along with lining, will fit within the assigned grave space.

Amendment
Bylaw 5082

7.6.6 Liners are not required for full casket burials, but any liner used must be supplied by the District.

Amendment
Bylaw 5082

7.6.7 The cemetery will not accommodate or accept the use of a crypt that has not been pre-installed by the District before the date this provision comes into effect.

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.

Amendment
Bylaw 5082

7.8 Interment is permitted to start only between the hours of

(a) 9:30 a.m. and 2:00 p.m. Monday through Friday, except statutory holidays; and

(b) 10 a.m. and 3:00 p.m. on Saturday, Sunday or a statutory holiday.

Amendment
Bylaw 5082

7.9 Overtime fees established in the Fees and Charges Bylaw apply to interment procedures that

(a) take place on Saturday, Sunday or a statutory holiday; or

(b) continue within the cemetery past 4:00 p.m., unless the District is responsible for the additional time.

Amendment
Bylaw 5082

7.10 No grave space may be dug, opened or made ready for interment or otherwise by any person other than the cemetery foreman 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 Foreman

Amendment
Bylaw 5082

- 8.1 The cemetery is operated by the cemetery foreman.
- 8.2 Funeral processions, while in the grounds of the cemetery, shall be under the control of the cemetery foreman.

Part 9 Memorials

Amendment
Bylaw 5082

- 9.1 Not more than one memorial may be installed on a grave space, and all memorial markers must comply with the restrictions and requirements of this section.

Amendment
Bylaw 5082

- 9.1.1 A memorial located on a lot must be constructed of either granite or of bronze set in a concrete or granite base, and:

- (a) if made of granite must have a minimum thickness of 3.0”;
- (b) if a bronze marker is set in granite or concrete, the marker must have a backing or be bedded sufficiently in the granite or concrete so that the marker does not bend or collapse with regular wear and tear;
- (c) must have edges cut smooth and true, and perpendicular to the top surface to not less than 1.5” below the top surface; and
- (d) must be flat with no raised features, and in the case of bronze, be recessed within the surrounding granite or concrete such that lettering does not protrude above the surrounding granite or concrete.

Amendment
Bylaw 5082

- 9.1.2 A memorial for a single cremation grave located with the dimensions of 2 feet by 3 feet must be constructed of granite with a minimum thickness of 3.0”. For a single cremation grave with the dimensions of 2 feet by 2 feet or less, the memorial must be constructed of bronze, as provided by the District for a charge set out in the *Fees and Charges Bylaw*, unless a request is made in writing to the Director that the memorial be purchased elsewhere. If purchased elsewhere, the memorial must comply with all of the restrictions and 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.

Amendment
Bylaw 4749 9.1.5 The sizes of the memorial markers are limited to the following dimensions:

Amendment
Bylaw 5082

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

Amendment
Bylaw 4749

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

Amendment
Bylaw 4749

(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.

Amendment
Bylaw 5082

(d) On a grave space reserved exclusively for interment of one cremated remains: 8.5" x 12.5" (bronze) or 12" x 10" (granite).

Amendment
Bylaw 4749

(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".

(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.

Amendment
Bylaw 5082

9.1.10 The District is not liable for chips, scratches, wear and tear or damage to any memorial marker that may result from cutting grass, work on paths, or other work by or for the District, and the District is not obliged to repair or replace any memorial markers that have been worn, damaged, vandalized or removed without authority.

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.

Amendment
Bylaw 5082

9.1.12 Inscriptions or symbols appearing on memorial markers must not include communications that, in the opinion of the Director, are likely to be offensive to others in the community.

Amendment
Bylaw 5082

9.1.13 If a grave space, including where a single or double depth crypt 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*.
- Amendment
Bylaw 5082 12.6 A person must not:
- (a) light a fire of any kind in the cemetery;
 - (b) leave discarded items or litter in the cemetery except in containers provided for that purpose; or
 - (c) place on any lot or columbarium any statues, boxes, glass containers, shells, toys, chairs, wire screens, arbours, trellises, fences, rocks, lighting (whether solar or battery powered), candles, lanterns, open-flame devices,

or other such objects or ornamentation, other than wreaths and floral offerings in accordance with subsection 12.2, and cut or artificial flowers or potted plants within containers as permitted under subsection 12.3, except at times of the year as designated by the Director;

- (d) plant any plant on a grave;
- (e) scatter cremated remains anywhere in the cemetery except within a scattering garden and with prior written permission of the Director.

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 foreman 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.

Amendment
Bylaw 5082

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 foreman or designated municipal staff when authorized to do so.

Amendment
Bylaw 5082

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 foreman may enter on the lot and remove the plant in whole or part.

Amendment
Bylaw 5082

12.10 No person may discharge firearms in the cemetery unless permission is given by the Director, and then only for ceremonial purposes.

Amendment
Bylaw 5082

12.11 No person may enter the cemetery after sunset or before sunrise without special permission from the cemetery foreman.

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.

Part 13 Offence and Penalty

Amendment
Bylaw 5082

- 13.1 A person who
- (a) contravenes, violates or fails to comply with this Bylaw,
 - (b) causes or allows any act or thing to be done in contravention of this Bylaw,
or
 - (c) fails or neglects to do anything required under this Bylaw, commits an offence, and where the offence is a continuing one, each day that the offence continues amounts to a separate offence.

Amendment
Bylaw 5082

- 13.2 A person found guilty of committing an offence under this Bylaw is liable:
- (a) if proceedings are brought under the Offence Act, to pay a minimum fine of \$2,500 and a maximum fine of \$10,000; or
 - (b) if a bylaw notice is issued under the Bylaw Notice Enforcement Bylaw No. 4368, 2004, to pay a penalty of up to \$500.

Amendment
Bylaw 5082

Schedules

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

Amendment
Bylaw 5082

Schedule A – Order Form

CAPILANO VIEW CEMETERY

1490 Third Street West Vancouver BC V7S 2Y2
t: 604-925-7007 f: 925-7442 westvancouver.ca/cemetery

Order

Invoice Date:

Order #:

Purchaser Name:

Address:

Contact:

Product Type	Product Name (Details)	Qty	Unit Price	Price
	Site Type Certificate#: Date Effective: Plot Location:			
	Deceased: Date of Death: Interment#: Interment Date: Funeral Home: Plot Location:			

Right of Interment:

Care Fund:

GST:

Sale Total:

I hereby undertake to be responsible for and to pay the above fees and charges to The District of West Vancouver

X _____

THIS AGREEMENT / CONTRACT / LICENCE IS SUBJECT TO THE CREMATION, INTERMENT AND FUNERAL SERVICES ACT, SBC (2004) AND REGULATIONS THEREUNDER

Amendment
Bylaw 5082

Schedule B – Right of Interment

CAPILANO VIEW CEMETERY

1490 Third Street West Vancouver BC V7S 2Y2
t: 604-925-7007 f: 925-7442 westvancouver.ca/cemetery

Right of Interment

In consideration of

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 the grave space described as

Location:

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

NAME

the District of West Vancouver undertakes to maintain a Cemetery Care Fund for maintenance of the grave space specified herein. The Cemetery will set aside In Trust, within the present calendar year, for use of the Cemetery Care Fund, a charge of 25%, as specified in the Fees and Charges Bylaw, No. 5025, 2019, as amended or replaced from time to time.

Dated _____, _____

Director of Parks, Culture & Community Services

The District of West Vancouver

Per: _____

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 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 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

The purchaser of a right of interment to use an unoccupied grave space, or his or her authorized representative, may cancel the right of interment by submitting a written request for cancellation to the Director of Parks, Culture & Community Services. On cancellation, the District will refund the original right of interment fee paid, less the care fund charge and less the administrative fee established in the Fees and Charges Bylaw No.5025, 2019, as amended from time to time.

RECLAMATION OF UNUSED INTERMENT RIGHTS

The District reserves the right to reclaim the interment rights for an unused plot where such reclamation is carried out in compliance with and subject to the reclamation requirements set out in section 25 of the *Cremation, Interment and Funeral Services Regulation*, as follows:

25 (1) With prior approval to the Director, an operator may sell a right of interment for a lot in 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 operator has not received a response from the interment right holder and
- (d) the operator has made diligent attempts to contact the interment right holder but is not able to locate the interment right holder.

(2) On receipt of an application from an operator, the Director may approve or reject the application for a sale of the right of interment with or without conditions.

(3) If the Director refuses the application, the Director must give the applicant written reasons for the decision.

(4) If a right of interment for a lot is sold in the circumstances described in subsection (1), and the right of interment is subsequently required for use by the original interment right holder, the operator must provide another right of interment of equal or greater value that is acceptable to the original interment right holder or the person who has authority under section 5 of the Act with respect to the deceased interment rights holder.

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 _____

Amendment
Bylaw 5082

Schedule C - Right of Disposition

CAPILANO VIEW CEMETERY

1490 Third Street West Vancouver BC V7S 2Y2
t: 604-925-7007 f: 925-7442 westvancouver.ca/cemetery

Right of Disposition

Deceased Information

Name: _____ Age: _____
Address: _____ Sex: _____

City, BC _____

Date of Birth: _____ Place of Birth: _____
Date of Death: _____ Place of Death: _____

Capilano View Cemetery

Location: _____
Interment Date: _____ Time: _____
Funeral Home: _____

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 the 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 name 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

Dated: _____

Address: _____

Order #: _____ Interment Permit #: _____

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

Amendment
Bylaw 5082

Schedule D - Exhumation Permit

CAPILANO VIEW CEMETERY

1490 Third Street, West Vancouver BC V7S 2Y2
t: 604-925-7007 f: 925-7442 westvancouver.ca/cemetery

Exhumation Permit

Date:	Permit #:
PERMISSION is hereby granted to NAME	on DATE
to have the remains of DECEASED	
Disinterred from Capilano View Cemetery: PLOT #	

Remarks:

Order #

Per _____
Director of Parks, Culture & Community Services

THIS AGREEMENT / CONTRACT / LICENCE IS SUBJECT TO THE CREMATION, INTERMENT AND FUNERAL SERVICES ACT SBC (2004) AND REGULATIONS THEREUNDER

Amendment
Bylaw 5082

Schedule E - Marker Setting Permit

CAPILANO VIEW CEMETERY

1490 Third Street, West Vancouver BC V7S 2Y2
t: 604-925-7007 f: 925-7442 westvancouver.ca/cemetery

Marker Setting Permit

Order Date:	Install Date:
THIS IS TO CERTIFY THAT has a permit for setting of a Granite on (plot#)	Name: Size:

Remarks:

Order #

PER _____
Director of Parks, Culture & Community
Services

THIS AGREEMENT / CONTRACT / LICENCE IS SUBJECT TO THE CREMATION, INTERMENT
AND FUNERAL SERVICES ACT SBC (2004)

Amendment
Bylaw 5082

Schedule F – Interment Permit

CAPILANO VIEW CEMETERY

1490 Third Street, West Vancouver BC V7S 2Y2
t: 604-925-7007 f: 925-7442 westvancouver.ca/cemetery

Interment Permit

#

Date:	
PERMISSION is hereby granted to	On _____ at _____
To have the remains of (NAME)	Interred in Capilano View Cemetery in: (plot)

Remarks:

Order #	PER: _____ Director of Parks, Culture & Community Services
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THIS AGREEMENT / CONTRACT / LICENCE IS SUBJECT TO THE CREMATION, INTERMENT AND FUNERAL SERVICES ACT SBC (2004) AND REGULATIONS THEREUNDER