



CITY OF PRINCE RUPERT

Cemetery Bylaw No. 3237, 2007

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CITY OF PRINCE RUPERT CEMETERY BYLAW NO. 3237, 2007

A BYLAW RELATING TO THE OPERATION AND MAINTENANCE OF
CEMETERIES, AN OSSUARY, AND COLUMBARIA

The Council of the City of Prince Rupert, in open meeting assembled, enacts as follows:

PART 1 - DEFINITIONS AND INTERPRETATION

Title

1. This Bylaw may be cited as the "City of Prince Rupert Cemetery Bylaw No. 3237, 2007"

Definitions

2. In this Bylaw:

"**adult**" means any person twelve years of age or older;

"**caretaker**" means the person employed by the City as caretaker of the *cemetery* and *columbarium* of the City or an authorized representative of the caretaker;

"**cemetery**" means any area of land set aside, owned, used or maintained by the City as a cemetery either within or without the Municipality and includes any *columbarium* or mausoleum which may be located within the *cemetery*;

"**cemetery care fund**" means a portion of the *interment* costs set aside for maintenance of the *cemetery*;

"**City**" means the City of Prince Rupert;

"**columbarium**" means a structure or part thereof that contains, as an integral part of the structure or building, *niches* for the *interment* of *cremated remains*;

"**Corporate Administrator**" means the person appointed, by the Council, the responsibility of corporate administration or an authorized representative of the Corporate Administrator;

"**Council**" means the Council of City of Prince Rupert;

“cremated remains” means the remains resulting from cremation of a deceased human body;

“disinterment” means the removal of human remains, along with the casket or container holding human remains, from the *plot* or *niche* in which the human remains had been interred;

“Engineer” means the Director of Engineering Services for the *City* or an authorized representative of the Director of Engineering Services;

“exhumation” means the exposure of interred human remains for viewing or for examination, whether in or removed from the plot in which the human remains had been interred;

“Financial Administrator” means the person appointed, by Council, with the responsibility of financial administration;

“interment” means disposition by:

- (a) burial of human remains or *cremated remains* in a *plot*, or
- (b) inurnment of *cremated remains* in a *columbarium*;

“Medical Health Officer” and **“Health Officer”** means the person duly appointed from time to time to act as Medical Health Officer for the *City*;

“niche” means each individual compartment in a *columbarium* used or intended to be used for the *interment* of *cremated remains*;

“non-resident” means a person who does not meet the definition of *resident* immediately prior to his or her death;

“ossuary” means a communal underground container, used or intended to be used for the interment of several cremated remains under an Interment Permit.

“plot” means a space of ground in a *cemetery* used or intended to be used for the *interment* of human remains or *cremated remains* under an Interment Permit;

“plot liner” means a ridged shell structure to cover a casket for an *interment* and includes a wooden container used to hold a casket;

“resident” means a person who has resided or owned land within the *City* for one year or more immediately prior to the time of his or her death;

“registrar” means the person designated by the Minister to administer and enforce the *Cemetery and Funeral Services Act*;

“**urn**” means a container used to store cremated human remains and which may be designed to contain the remains of more than one person.

3. Wherever the singular or masculine is used in the Bylaw the names shall be deemed to include the plural or the feminine or the body politic or corporate, and also their respective heirs, executors, administrators, successors and assigns.

PART 2 - APPLICATION AND ADMINISTRATION

Application of Bylaw and Cremation, Interment and Funeral Services Act

4. The regulations hereby established shall apply to all *cemeteries, the ossuary* and *columbaria* of the *City* and to all additional real and personal property, within or without the *City*, which may hereafter be acquired and held by the *City* for use as a municipal *cemetery*, and these regulations shall be observed for *interment* of the dead therein and for the management, operation and preservation of same, and the terms, conditions and fees set out herein shall apply to every right to make use of *plots, the ossuary* or *niches* within such *cemeteries*, provided however, that notwithstanding anything herein contained, the Administration of the *cemeteries* shall at all times be carried out in conformity with the applicable requirements of the “*Cremation, Interment and Funeral Services Act*” and the regulations made pursuant thereto.

Cemetery Designation

5. The following described real property owned by the *City* which has been set aside, held, laid out, developed, improved, used and maintained as a municipal *cemetery* and dedicated for such use by Bylaw shall continue to be used, operated and maintained for such purpose, and shall be known as the “Fairview Cemetery”, and shall not be used for any other purpose:

*Block “A” of Assigned Parcel 2, Plan 1534, City of Prince Rupert,
Province of British Columbia*

Establishment of Columbarium

6. The *City* hereby establishes, within Fairview Cemetery, a *columbarium*, which shall be managed and regulated in accordance with the provisions of this Bylaw.

Establishment of an Ossuary

7. The *City* hereby establishes, within Fairview Cemetery, an *ossuary*, which shall be managed and regulated in accordance with the provisions of this Bylaw.

Cemetery Plans

8. A copy of the plans of the *cemetery*, the *ossuary* and the *columbarium* shall be filed with the *registrar* and the original and additional copies thereof shall also be kept available for public inspection in the City Hall and at such other places as may be deemed necessary by the *Council*.

Establishment of Board of Cemetery Trustees

9. In accordance with the provisions of Section 18(1)(b) of the "*Cremation, Interment and Funeral Services Act*", *Council* hereby establishes itself as a Board of Cemetery Trustees to own and operate the *cemetery* with all such power and authority as is necessary to permit the Board to own and operate the *cemetery*, including the authority to appoint members to a Prince Rupert Cemetery Advisory Board.

Administration of Bylaw

10. This Bylaw shall be administered by the *Engineer*.
11. The *Engineer* shall issue all licences and permits required by this Bylaw, subject to the provisions of this Bylaw.
12. The *Engineer* shall maintain records as necessary for the administration and management of the *cemetery* and as required by the "*Cremation, Interment and Funeral Services Act*".

PART 3 - CEMETERY LICENSING

Cemetery Licensing

13. A *Cemetery Licence* for any one or more *plots* or *niches* which may be vacant and unlicensed in the *cemetery* may be granted to any person paying the fees according to the scale of fees set out in **Schedule "A"**, for the exclusive use by him, or his executors or administrators.
14. The *City* shall have the right to refuse to sell the use of more than two *plots* or *niches* to any one individual.

15. All *Cemetery Licences* issued for the use of a *plot* or *niche* shall be subject to the provision of this Bylaw and all Bylaws and regulations now or hereafter to be passed by the *Council*.

Cemetery Licence Applications

16. All applications for a *Cemetery Licence* shall be made at the office of the *Engineer* between Regular Business hours on all days of the week except Saturday, Sunday, statutory holidays, and in cases of emergency as described in Section 50, on the application form provided by the *Engineer*.

Form of Cemetery Licence

17. All *Cemetery Licences* issued shall be in the form provided by the *Engineer*.

Cemetery Licence Transfers

18. No sale, assignment, or transfer of a *Cemetery Licence*, *plot*, or *niche*, or of rights of *interment* therein, shall be made without the written consent of the *City* and in accordance with Sections 19 and 20.
19. After an *interment* has been made in a *plot* or *niche*, no assignment or transfer or any right therein may be made or will be recognized by the *City* unless the proposed transfer is to an immediate relative of the *Cemetery Licence* holder.
20. The right to use any 'vacant' *plot* or *niche* may be transferred to another person, provided that:
 - (a) the Licence holder or his legal representative signifies, in writing, to the *Engineer*, his desire to transfer his right to another person;
 - (b) the *Engineer* is furnished full particulars of the name, address, occupation, or other description of the person to whom such transfer is desired to be made, and the consideration to be paid therefore;
 - (c) if a Care Fund contribution has not previously been made, such contribution in the amount specified in **Schedule "A"**, shall be paid to the *City* at the time of the application for transfer;
 - (d) if the person to whom the *plot* or *niche* is to be transferred is not a *resident* of the *City*, the difference between the *non-resident* Licence fee and the *resident* Licence fee calculated in accordance with

Schedule "A", if not paid by the original purchaser, shall be paid to the *City* at the time of the application for transfer;

- (e) a transfer fee as specified in **Schedule "A"**, shall be paid to the *City* at the time of application for transfer;
- (f) after the transfer is effected, any *interment* made in the *plot* or *niche* shall be subject to the *Interment Permit* fees and any other fees related to the *interment*, including memorial charges if applicable, specified in **Schedule "A"**, at the time of application for an *Interment Permit*.

Repurchase of Plot or Niche

- 21. The *City* may, on application by the Licence holder, repurchase any vacant *plot* or *niche* from the holder thereof, for the original amount paid for the *plot* or *niche*. Such repurchase shall not be permitted where an exhumation has occurred.

Rectifying Licensing Errors

- 22. If an error is made in the contract of sale, description or transfer of a *plot* or *niche* and the *plot* or *niche* is unavailable, the *City* shall amend the contract to provide another *plot* or *niche* of equal or greater value and similar location acceptable to the Licence holder or to the person with the right to control the disposition of the human remains in accordance with the "*Cremation, Interment and Funeral Services Act*" or, the *City* shall cancel the contract and refund the full amount of money paid plus accrued interest at a prescribed rate.

PART 4 - INTERMENT

Interment

- 23. No person shall cremate or inter the body or *cremated remains* of a deceased person within the limits of the *City* save and except as authorized under the terms of the "*Cremation, Interment and Funeral Services Act*" and the regulations made there under, and in compliance with this Bylaw.
- 24. No body, other than a deceased human body, or the *cremated remains* or other remains of a deceased human body, shall be interred in the *cemetery*.

25. No *interment* of a body or *cremated remains* shall be made until an *Interment Permit* has been obtained from the *City*.

Interment Permit

26. An *Interment Permit* for an *interment* in compliance with the provisions of this Bylaw may be granted to any holder of a valid *Cemetery Licence* after that person pays all the fees therefor and all fees for any related *interment* requirements, according to the scale of fees set out in **Schedule "A"**.
27. All *Interment Permits* must be obtained at least thirty-six (36) hours, exclusive of Saturdays, Sundays, or statutory holidays, before the *interment* may take place, except in the case:
- (a) where the *Health Officer* directs otherwise, pursuant to the *Health Act Communicable Disease Regulation*; or
 - (b) where the *Engineer*, is satisfied that a shorter notice is necessary.

Interment Permit Applications

28. All applications for an *Interment Permit* shall be made in person at the office of the *Engineer* between Regular Business hours on all days of the week except Saturday, Sunday, statutory holidays and in cases of emergency as described in Section 50, by the immediate relatives of the deceased or a representative authorized in writing by them to make such arrangements for the deceased, or by other authorized persons, on the application form provided by the *Engineer*.
29. Any person who makes application for an *Interment Permit* shall furnish the *Engineer* a statement including the name, sex, age and address of the deceased, date of death, date and time of the interment, whether or not the deceased at death was known to have had an infectious or contagious disease or other disease dangerous to public health, a copy of the burial certificate or death certificate issued by the Director of Vital Statistics under the provisions of the *Vital Statistics Act*, and such other information as may reasonably be required by the *Engineer* to ensure conformity with the provisions of this Bylaw.

Form of Interment Permit

30. All *Interment Permits* issued shall be in the form provided by the *Engineer*.

Number of Interments per Plot, Niche or Ossuary

31. The maximum *interments* in a large *plot* may consist of a total of the *interment* of one (1) *adult* body or one (1) *child* body and the *interment* of up to six (6) *cremated remains*.
32. The maximum *interments* in a small *plot* may consist of a total of the *interment* of one (1) body in a casket no larger than 1.22 metres (4 feet) in length, and the *interment* of up to two (2) *cremated remains*.
33. The maximum *interments* in a cremation *plot* may consist of a total of the *interment* of one (1) *cremated remains* or one (1) cremation *urn* specifically made to hold the *cremated remains* of two (2) people.
34. The maximum *interments* in a *columbarium niche* may consist of two (2) single cremation *urns* or one (1) cremation *urn* specifically made to hold the *cremated remains* of two (2) people.
35. The maximum *interments* in an *ossuary* shall consist of an unlimited number of cremated remains, as long as there is space.
36. A single *Cemetery Licence* for a *plot* or *niche* is sufficient for multiple *interments* in a *plot* or *niche*, but all other *Interment Permits* and other service fees set out in **Schedule "A"**, shall apply.

Interment Regulations

37. Upon issuing any *Interment Permit* for the *cemetery*, the *Engineer* shall notify the *caretaker* before the time of the intended *interment*, giving the name of the deceased and the number and location of the *plot and tier*, or *niche* concerned or if the cremated remains are to be interred in the ossuary.
38. Each *interment* of a body shall be made using a *plot liner*.
39. Each *interment* of a body shall be made in a *plot* dug to a depth sufficient to provide for not less than 0.8 metres (2.6 feet) of earth between the upper surface of the *plot liner* and the level of ground surrounding the *plot*.
40. Each *interment* of *cremated remains* in a *plot* shall be made in a *plot* dug to a depth sufficient to provide for not less than 0.4 metres (1.3 feet) of earth between the upper surface of the cremation urn and the level of ground surrounding the *plot*.
41. All *interments* of bodies and individual *cremated remains* in a *plot* require, after each *interment*, a *plot* marker embedded in the ground that

identifies, for *cemetery* record keeping purposes, the surname and initial of the deceased and the date of his death, and all such *plot* markers shall be provided and installed by the *City* as part of the *Interment Permit* fee and are not to be confused with *plot* memorials.

42. A cremation *urn* of approved non-deteriorative material, no greater than twenty-nine (29) centimetres (11.5 inches) in height, shall be used for each *interment* of *cremated remains* in a *plot*.
43. Except as provided in Sections 44 and 50 all *interments* shall take place between the hours of 8:30 a.m. and 3:00 p.m. on all days of the week except Saturday, Sunday, and statutory holidays.
44. *Interments* may take place after regular *interment* hours and on Saturdays provided the *Engineer* has granted his prior written approval and the additional fees set out in **Schedule "A"**, have been paid.
45. No *plot* shall be dug or opened, no *niche* shall be opened or closed and no *ossuary* shall be opened or closed by any person other than the *caretaker* or other person duly authorized by the *Engineer*.
46. *Interment* of *cremated remains* into the *ossuary* shall only be carried out by the *caretaker* or other person duly authorized by the *Engineer*.

Reserved Areas

47. No person shall be granted an *Interment Permit* to inter in an area of the *cemetery* which has been reserved by the *Council* for the *interment* of members of a church, society, or other organization unless the applicant for such *Interment Permit* furnishes the *Engineer* written authorization from the organization concerned stating that the deceased is entitled to *interment* in the area so reserved.

Rectifying Interment Errors

48. If an error is made and human remains or *cremated remains* are interred in the wrong *plot* or *niche*, the *City* shall disinter the human remains or *cremated remains* from the wrong *plot* or *niche* and inter them in the correct *plot* or *niche*, if available, or if the correct *plot* or *niche* is not available, the *City* shall disinter the human remains or *cremated remains* from the wrong *plot* or *niche* and inter them in a *plot* or *niche* acceptable to the person with the right to control the disposition of the human remains in accordance with the "*Cremation, Interment and Funeral Services Act*", and the *City* shall, within thirty (30) days after the *disinterment* and *interment* of those human

remains or *cremated remains*, notify the *registrar* of the *disinterment* and *interment*.

PART 5 - COMMUNICABLE DISEASE

Communicable Disease

49. The *Corporate Administrator*, the *Engineer*, or the *caretaker*, upon receiving a request to handle the body of a person who died from anthrax, plague or viral hemorrhagic fever, shall immediately report the request to the *Medical Health Officer*.
50. Where the *Medical Health Officer* directs, pursuant to the *Health Act Communicable Disease Regulations* or otherwise, that a body be buried in a *cemetery* during any period when the *City's* offices are closed, permission to inter in a *cemetery* shall be obtained from the *Engineer*, or in his absence, the *Corporate Administrator*, or the *caretaker*.
51. Where a body delivered to a *cemetery* for *interment* is subject to directions of the *Medical Health Officer* under the terms of the *Health Act Communicable Disease Regulations*, the person delivering the body to the *cemetery* shall inform the *caretaker* of the directions given by the *Medical Health Officer* respecting the *interment* and those directions shall be fully and completely followed by all those who perform the *interment*.
52. The *caretaker* who performs an *interment* under the conditions of Sections 50 or 51 shall furnish the *Engineer* full particulars of the *interment* as soon after such *interment* as the *City's* offices are opened, and the representative of the deceased shall furnish the *Engineer* with full details of the deceased, as required by Section 29, together with such fees as may be required in accordance with **Schedule "A"**, as soon after such *interment* as the *City's* offices are opened, and the person who permitted the *interment* shall report the matter to the *Engineer* as soon after such *interment* as the *City's* offices are opened.

PART 6 - EXHUMATION

Exhumation

53. No person shall exhume the remains of a deceased person who has been interred in a *plot* unless:

- (a) they have obtained a written order or permit in accordance with the requirements of the "*Cremation, Interment and Funeral Services Act*" and presented that order to the *Engineer*; or
 - (b) the *Engineer* receives a written request to do so from a person with the right to control the disposition of the human remains in accordance with the "*Cremation, Interment and Funeral Services Act*" and the *Engineer* issues his permission in writing to disinter or exhume the body; and
 - (c) they have paid the fees for disinterment/exhumation set out in **Schedule "A"**.
54. Prior to the execution of the said order or request, any person wishing to exhume the remains of a deceased person must provide the *Engineer* with written proof of whether or not the deceased person at the time of death was known to have had an infectious or contagious disease or other disease dangerous to public health.
55. Upon receiving an order for *exhumation* from the proper authority as required by Section 53 (a), or after granting permission in writing to exhume, the *Engineer* shall notify the *caretaker* before the time of the intended *exhumation*, giving the name of the deceased and the number and location of the *plot*, and *tier*, concerned.
56. During exhumation, the caretaker or other person duly authorized by the *Engineers* shall open to the top of the casket only. The Funeral Director must be present to complete the exhumation.

PART 7 - CEMETERY PLOT SPACES

Plot Spaces

57. *Plot Spaces* developed in areas before the year 2002 shall be of the following sizes:
- (a) Large Size - *Plots* not less than 2.75 metres (9 feet) in length by 1.2 metres (3.94 feet) in width;
 - (b) Small Size - *Plots* not less than 1.5 metres (4.92 feet) in length by 0.9 metres (2.95 feet) in width; and
 - (c) Cremation - *Plots* not less than 0.9 metres (2.95 feet) in length by 0.9 metres (2.95 feet) in width.
58. *Plots* developed in the year 2002, and any future cemetery development henceforth, shall be of the following sizes:

- (a) Large Size - *Plots* not less than 2.75 metres (9 feet) in length by 1.4 metres (4.6 feet) in width;
- (b) Small Size - *Plots* not less than 1.5 metres (4.92 feet) in length by 1.0 metres (3.28 feet) in width; and
- (c) Cremation - *Plots* not less than 0.6 metres (1.96 feet) in length by 0.6 metres (1.96 feet) in width.

PART 8 - COLUMBARIUM NICHES

Columbarium Niches and Urns

- 59. The size of the *niche* and the size of the cremation *urns* limit the number of *urns* permitted within a *niche* but in general each *niche* may contain a maximum of two (2) single *urns* and their *cremated remains* or one (1) double *urn* and its *cremated remains*.
- 60. *Urns* to be placed in *niches* shall be made of metal, stone, porcelain, or other pre-approved non-deteriorative material, and must be manufactured for the express purpose of containing *cremated remains*.
- 61. No alterations or embellishments of the *columbarium* or *niches* shall be undertaken without written approval of the *City*.
- 62. The *City* reserves and shall have the right to remove, alter or change any improvements, alterations or embellishments made without written *City* approval at the expense of the *niche* licensee.

PART 9 - OSSUARY

Ossuary Space

- 63. The size of the *ossuary* dictates the number of cremated remains that can be interred. Cremated remains are interred into a communal container (*ossuary*) and **once the cremated remains are interred they cannot be removed.**
- 64. No containers holding individual cremated remains can be interred into the *ossuary*.
- 65. No individual or third-party alterations or embellishments of the *ossuary* area can be made. The *City* reserves and shall have the right to remove, alter or change any improvements, alterations or embellishments made.

PART 10 - FLOWERS AND WREATHS AND OTHER LANDSCAPING

Flowers, Wreaths, and Landscaping

66. No person other than an employee of the *City* authorized to do so, shall plant, remove, cut down, or destroy any trees, shrubs, plants, flowers, bulbs, fences or rocks in the *cemetery*.
67. In the *cemetery* artificial flowers or cut flowers, wreaths and floral offerings may be placed on *plots*.
68. At the *columbarium*, fresh cut or artificial flowers may only be placed in the flower vases built into the approved, attached *niche* memorial nameplates.
69. The *caretaker* may remove any artificial flowers or cut flowers, wreaths and floral offerings from *plots*, *niches* or the *ossuary* area when, in his opinion, their condition detracts from the beauty of the *cemetery*, *columbarium* or *ossuary area*.

PART 11 - MEMORIALS

Memorials - General

70. All memorials in the *cemetery*, including *columbarium* memorial nameplates and memorial portrait enclosures, shall be:
 - (a) consistent with the provisions of this Bylaw and supplied at the expense of the licensee; and
 - (b) installed, or removed, only by the *caretaker*, unless written authorization otherwise has been provided by the *Engineer*.
71. No person shall place, or cause to have placed, any memorial on any *plot* or *niche*, until the *Cemetery Licence*, *Interment Permit*, *Care Fund*, and all other *cemetery* fees and charges set out in **Schedule "A"** are fully paid, including the installation fees and Care Fund fees in respect of each memorial to be placed.
72. The *City* shall not be responsible for damage to memorials caused by natural weathering or deterioration, vandalism, or faulty construction.
73. The *City* will not be responsible for any damage or loss to pictures on memorials, *niche* nameplates, or portraits or their enclosures, except where it can be determined to be a result of maintenance operations.

Cemetery Plot Memorials

74. No *plot* shall be defined by a fence, railing, coping, curbing, hedge, or by other markings except by a memorial as set out in Section 75 or approved under Section 76.
75. A tablet-type memorial shall be considered 'standard', and one (1) may be installed on *plots* for each interment therein provided the requirements of Section 71 are fulfilled, and subject to the following:
- (a) the memorial must be of either stone or bronze waterproof material, capable of resisting wear and decay, and shall be of one piece construction;
 - (b) the memorial must be laid flush with ground level and be devoid of curbs;
 - (c) the size of the memorial and its placement on a plot shall at no time result in the memorial extending beyond the boundaries of the *plot*; and
 - (d) no memorial shall have a greater length than 75 centimetres (29.5 inches), a greater width than 50 centimetres (19.7 inches), nor a greater depth than 15 centimetres (5.9 inches), nor be less than 10 centimetres (3.94 inches) in depth, though notwithstanding the foregoing, in the case of memorials for *cremated remains* within *plot* tiers or within cremation *plots* the maximum size memorial permitted may be excessive relative to the actual *plot* space available for such memorials and this must be taken into consideration by the person wishing to install the memorial so that the placement of the memorial does not exceed the boundaries of the *plot*.
76. Any person wishing to install on any *plot* a memorial other than as set out in Section 75 of this Bylaw shall submit to the *Engineer*, prior to creation of the memorial, a plan of the memorial, showing its size by dimension, siting on the *plot*, elevation, design, and type of material.
77. The *Engineer*, upon receiving an application in accordance with Section 76, will review the application, and may grant permission to erect such a memorial if, in his opinion, it will not: create undue maintenance difficulties; extend beyond the boundaries of the *plot*; pose any safety hazards to visitors or workers; or, is not out of character for the cemetery, and provided the applicant enters into any special agreement with the *City* deemed necessary regarding any aspect of the memorial including its installation, care and maintenance, temporary or permanent removal.

78. Any application to install a memorial in accordance with Section 76 will not be considered within one (1) year from the date of an *interment* in the *plot*, to allow for settlement of the ground within the *plot*.
79. Only those memorials laid flush with ground level and devoid of curbs will be permitted in Section GG of the Fairview Cemetery.

Temporary Removal of Memorials

80. The *caretaker* may arrange for the temporary removal of a memorial without the owner's permission if, during the excavation of an adjoining *plot*, the memorial is found to be a hazard to the safety of workers in the excavation or to gain access to a *plot* for grave site preparation, provided that the memorial is replaced in its original position on the *plot* from which it was removed as soon as possible after the excavation has been filled, and provided that the owner of the memorial is not charged with the cost of the work, and provided also that the *City* repairs at its expense any damage occasioned to the marker so removed and replaced except in cases where the memorial removed was previously installed without proper authorization, or except where the owner of the memorial has entered into an agreement with the *City* in accordance with Section 77 which makes him responsible for such costs, or unless he is also the owner of the *plot* in which the excavation is being made.

Columbarium Memorials

81. *Columbarium niche* memorials permitted shall consist solely of nameplates and portrait enclosures, and shall be consistent in design, finish, and manufacture throughout the *columbarium*.
82. In order to maintain continuity of design of the *columbarium*, and to ensure that all niches with *cremated remains* interred are memorialized, the cost of a *niche* memorial nameplate, and its installation fee, in accordance with the fees established in **Schedule "A"** are included in the *Cemetery Licence* fee for a *niche*.
83. One memorial nameplate is permitted for each *niche*, conforming to the following specifications:
 - (a) purchased through the City's Engineering Department; and
 - (b) cast in bronze alloy with burgundy background; and
 - (c) inscriptions shall consist solely of given names and/or initials and surname together with years of birth and death; and

- (d) "RIBBON" font or alternate font as approved by the *Engineer*, is to be used with surname lettering to be 1.27 centimetres (.5 inches) in height, given name and initials lettering, and dates to be 1.0 centimetres (.39 inches) in height; and
 - (e) the castings are to be true and free from defects and roughness, and the colour finish is to be secured by chemical means.
84. A maximum of two (2) memorial portrait enclosures are permitted per *niche* conforming to the following specifications:
- (a) purchased through the City's Engineering Department; and
 - (b) cast in bronze alloy; and
 - (c) only pictures of the deceased are allowed to be affixed to the face of a *niche*; and
 - (d) pictures must be secured in the portrait frames by appropriate adhesives or sealants.

Ossuary Memorials

85. *No Ossuary memorials* will be permitted.

PART 12 - CEMETERY CARETAKER

Cemetery Caretaker

86. *Caretakers* may be appointed by the *Engineer* and the duties of the *caretaker* so appointed shall, among other things, be:
- (a) to dig and prepare, open and close all *plots* required, open and close all *niches* required, and open and close the *ossuary* when required, whenever ordered to do so by the *Engineer*;
 - (b) to install all memorials, and to install all *niche* portraits;
 - (c) to ensure the general maintenance work of the *cemetery* that is necessary to keep it in a neat and tidy condition is carried out, including, but not limited to the maintenance of landscaping features, lawns, paths, gates, fences and other *cemetery* improvements;
 - (d) to maintain records as required and submit to the *Engineer* whatever reports are required by him;
 - (e) to complete such other work as may be directed by the *Engineer* or any person acting for him; and

- (f) to direct all funerals to the correct *plot*, tier or *niche*, or to the *ossuary* in the *cemetery*.

PART 13 - FEES AND CHARGES

Fees and Charges

- 87. The fees for *Cemetery Licences*, *Interment Permits* or *Disinterment* services, use and care of *plots*, use and care of *niches*, use of the *ossuary*, memorials and their installation, and the charges for goods offered for sale by the *City* for use in the *cemetery*, and any other *cemetery* fees, shall be those set out in **Schedule "A"** attached to and forming part of this Bylaw.
- 88. Where extra labour charges are incurred, after regular business hours, excluding *interments* and *disinterment's* on Saturdays which have a fee established in **Schedule "A"**, these charges will be done through a work order and invoiced accordingly as set out in **Schedule "A"**.

Payment

- 89. The fees set out in **Schedule "A"**, shall be paid in advance at the *City's* offices at the time of application for a *Cemetery Licence*, *Interment Permit*, or *disinterment* permission, and at the time of purchasing any goods or services sold by the *City* in connection with the operation of the *cemetery*.

Indigence

- 90. In cases of poverty, the *Engineer* may consider applications for the remission of fees in whole or in part, and in any such case the *Engineer* may remit such fees in whole or in part.

PART 14 - CARE FUND

Care Fund

- 91. A Care Fund shall be established and administered in accordance with the "*Cremation, Interment and Funeral Services Act*" and with the procedures hereinafter set out.
- 92. A bank account shall be established to be known as the "*Cemetery Care Fund Account*" into which the *Financial Administrator* shall deposit all funds received for Care Fund purposes, pending investment as herein provided.
- 93. The *Financial Administrator* shall pay into the "*Cemetery Care Fund Account*", from the amount received for each *Cemetery Licence* sold, the

fee so specified in **Schedule "A"**, except in those cases where a different amount is approved by the *registrar*.

94. On all *Cemetery Licences* and on all contracts for agreements for the sale of such *Cemetery Licences*, the amount required to be used for Care Fund purposes shall be specified, provided that the amount so specified shall not apply to *plots* or *niches* made available by the *City* free of charge for indigent *interment*.
95. Investment of funds received for Care Fund purposes shall be made as required by the "*Cremation, Interment and Funeral Services Act*", and in accordance with the *Local Government Act*.
96. The income from the Care Fund including any appreciation thereof, shall be used for the sole purpose of operation and maintenance of the *plots* or *niches* licensed and the *cemetery* of which they form part, and the original principal sum of such fund as established from time to time, shall be maintained at all times.
97. A separate account of all monies received under the provisions of this Bylaw and of all monies expended in relation to the *cemetery* shall be kept by the *Financial Administrator* and any surplus remaining of receipts over expenditures shall be paid at the end of each financial year into the "*Cemetery Care Fund Account*" and shall be invested by the *City* as per Section 95 and the interest derived from such investment shall be expended on the operation and development of the *cemetery*.

PART 15 - GENERAL

General

98. No person shall damage, destroy, mutilate, deface, injure, or remove, any *plot*, *niche*, tomb, vault, marker, monument, memorial, fence, gate, railing, or other work, structure or any other improvement in the *cemetery*.
99. No person shall wilfully destroy, cut, break, or injure any shrub or plant in the *cemetery*.
100. No person shall play any game or sport in the *cemetery*.

101. No person shall wilfully or unlawfully disturb persons assembled for the purpose of interring a body or *cremated remains* in the *cemetery*.
102. No person shall commit a nuisance, or behave in an indecent and unseemly manner, at any time in the *cemetery*.
103. Any person not behaving with proper decorum within the *cemetery*, or disturbing the quiet and good order of the *cemetery*, may be evicted by the *caretaker*.
104. No person shall deposit any rubbish or offensive matter or thing in the *cemetery*.
105. No person shall drive a vehicle in the *cemetery* at a speed exceeding 20 kilometres per hour.
106. All vehicle movements within the *cemetery* grounds shall be subject to the direction and orders of the *caretaker*.
107. All persons and funeral processions in the *cemetery* shall obey the reasonable instructions of the *caretaker*.
108. The *cemetery* shall be deemed open to visitors at 8:30 a.m. every morning and shall be deemed closed to all persons every evening at either sunset or at 9:30 p.m., whichever comes first.
109. No person shall enter or remain in the *cemetery* before it is deemed open or after it is deemed closed without special permission of the *Engineer* or the *caretaker*.
110. No person shall solicit orders for markers, tablets, memorials, or like works within the limits of the *cemetery*.

PART 16 - OFFENCES AND PENALTIES

Violation and Penalty

111. Every *person* who violates any of the provisions of this Bylaw, or who causes, suffers, or permits any act or thing to be done in contravention or in violation of any of the provisions of this Bylaw, or who refuses, neglects or refrains from doing anything required to be done by any of the provisions of this Bylaw, or who fails to comply with any order, direction or notice given under this Bylaw, is guilty of committing an offence against this Bylaw and is liable on summary conviction to a fine not exceeding Ten Thousand Dollars (\$10,000.00) or to imprisonment for not more than six (6) months, or to both, and the cost of prosecution.
112. Where an offence under this Bylaw is of a continuing nature, each day that the offence continues or is permitted to exist shall constitute a separate offence.

PART 17 - SEVERABILITY

Severability

113. If any section, subsection, clause, sub clause, phrase or any other part, of this Bylaw is for any reason held to be invalid, void or ineffective by the decision of any court of competent jurisdiction, the part in question is to be severed from the rest of this Bylaw and that does not affect the validity of the remainder of this Bylaw, which is to be interpreted and applied as if this Bylaw had been enacted without the severed part.

PART 18 - REPEAL

Repeal

114. The "City of Prince Rupert Cemetery Bylaw No. 3139, 2002 and its amendments are hereby repealed.

READ A FIRST TIME this 13th day of August, 2007.

READ A SECOND TIME this 13th day of August, 2007.

READ A THIRD TIME this 13th day of August, 2007.

FINALLY CONSIDERED AND ADOPTED this 27th day of August, 2007.

Mayor

Corporate Administrator

SCHEDULE “A”

CEMETERY FEES AND CHARGES

CEMETERY LICENCE

Cemetery Licence	Fee	Care Fund	Total
<i>Resident (Large Plot)</i>	\$300	\$80.00	\$380
<i>Non-resident (Large Plot)</i>	\$400	\$110.00	\$510
<i>Resident (Small Plot)</i>	\$200	\$55.00	\$255
<i>Non-resident (Small Plot)</i>	\$250	\$70.00	\$320
<i>Resident (Cremation Plot)</i>	\$130	\$35.00	\$165
<i>Non-resident (Cremation Plot)</i>	\$160	\$45.00	\$205
<i>Resident Niche (with memorial nameplate)</i>	\$1,300.00	\$130.00	\$1,430.00
<i>Non-resident Niche (with memorial nameplate)</i>	\$1,500.00	\$150.00	\$1,650.00
Cemetery Licence Transfer	\$55.00		\$55.00

INTERMENT PERMIT

Interments Monday to Friday 8:30 am – 3:00 p.m. (except statutory holidays)	Fee
<i>Interment in plot</i>	\$750.00
<i>Cremated remains interred in plot by the City</i>	\$140.00
<i>Cremated remains interred in plot by Customer</i>	\$60.00
<i>Interment in columbarium niche or ossuary</i>	\$110.00
Charge for every 2 feet of extra <i>plot</i> depth requested	\$210.00 / 2 feet extra
Charge for every hour, or portion thereof, interment takes place after 3:00 p.m. Monday to Friday	\$150.00 / hour extra
Interments on Saturday	Fee
<i>Interment in plot</i>	\$1,050.00
<i>Cremated remains interred in plot</i>	\$300.00
<i>Interment in columbarium niche or ossuary</i>	\$300.00

DISINTERMENT/EXHUMATION FEE

Disinterment/Exhumation Monday to Friday 8:30 am – 3:00 p.m. (except statutory holidays).	Fee
<i>Disinterment/Exhumation from plot</i>	\$1,050.00
<i>Cremated remains Disinterment/Exhumation from plot</i>	\$200.00
<i>Cremated remains Disinterment/Exhumation from niche</i>	\$110.00
Disinterment/Exhumation on Saturday	Fee
<i>Disinterment/Exhumation from plot</i>	\$1,350.00
<i>Cremated remains Disinterment/Exhumation from plot or niche</i>	\$300.00

CEMETERY MEMORIALS AND SERVICE FEES

Memorials or Services	Fee	Care Fund	Total
Standard <i>Plot</i> memorial installation	\$65.00	\$11.00	\$76.00
Temporary <i>Plot</i> Marker	\$25.00		\$25.00
<i>Niche</i> memorial Nameplate	\$300.00	\$11.00	\$311.00
<i>Niche</i> memorial Portrait Enclosure (with portrait)	\$275.00	\$11.00	\$286.00
<i>Niche</i> Nameplate Installation	\$75.00		\$75.00
<i>Niche</i> Portrait Enclosure Installation	\$75.00		\$75.00

MISCELLANEOUS COLUMBARIUM SERVICES

Niche Services	Fee	Care Fund	Total
Supply and attach 2 nd Date Bar	\$75.00	-	\$75.00
Opening/Closing <i>niche</i> for adding or removing items by family	\$55.00	-	\$55.00

Note: Add applicable GST to all the foregoing rates