

THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 2679

A bylaw to amend Cemetery Management Bylaw No. 2569, 2009

The Council of the Corporation of the City of Courtenay in open meeting assembled, enacts as follows:

This bylaw may be cited for all purposes as the **“Cemetery Management Amendment Bylaw No. 2679, 2011”**.

1. That “Cemetery Management Bylaw No. 2569, 2009” be amended as follows:

(a) That Section 1 be amended by adding the following definitions:

“Act” means the Cremation, Interment and Funeral Services Act, S.B.C. 2004, C.35 administered by the Administrative Authority, as may be amended or superseded from time to time and all regulations made there under.

“Disinterment” means the removal of Human Remains along with the casket or container, or any remaining portion of the casket or container holding the Human Remains, from the Lot in which the Human Remains had been interred.

(b) That Section 14 be deleted in its entirety and replaced with the following:

14. Pursuant to Section 16 of the CIFSA a cemetery must not exhume or disinter human remains or cremated remains until:

- a. the Manager of Corporate Administration receives a written request from the person who has control of disposition of the remains of the person interred as provided in the Act;
- b. approval of the exhumation by the Administrative Authority is received by the Manager of Corporate Administration;
- c. the Manager of Corporate Administration has issued a permit;
- d. all applicable fees have been received by the Manager of Corporate Administration
- e. This Bylaw, the Act, and any other applicable legislation have been fully complied with.

(1) In addition to the conditions under section 14, in the case of a person who at the time of death was known to have had an infectious or contagious disease, the Manager of Corporate Administration will give written notice to and receive approval from the Medical Health Officer before issuing a valid disinterment permit.

- (2) The City will exercise due care and attention when conducting a disinterment, but is not responsible for any damage to any casket, urn or other container or human remains sustained during the disinterment.
 - (3) The City's responsibility with respect to disinterment or exhumation will end at the point where the soil is sufficiently excavated to permit access to the remains for removal by the attending funeral provider employed at the expense of the Interment Right Holder or their successors.
- (c) That Section 33, Subsections 2, 5 and 7 be deleted in its entirety and replaced with the following:
- 33(2) Markers must be made of granite or bronze. Bronze markers shall be attached to a granite base not less than 10.16cm (4 inches) thick with side surfaces true and perpendicular with the top surface of the attached bronze marker. Handmade markers shall not be permitted on any grave space.
 - 33(5) One upright memorial may be installed on each adult grave space in designated sections of the cemetery more commonly referred to as the 'U' Section. In the case of a side by side family plot, the memorial may be placed between the two plots.
 - (a) Upright memorials shall be made of granite and not exceed the dimensions of Single Plot: 60.96 cm (24")(width) x 76.20cm (30")(height) x 15.24cm (6")(thickness) on a 91.44cm (36") x 30.48cm (12") x 15.24cm (6") base; or Double Plot 76.20cm (30")(width) x 91.44cm (36")(height) x 15.24cm(6")(thickness) on a 106.68cm (42") x 30.48cm (12") x 15.24 cm (6") base. The memorial may be either polished or rough edges. The base shall have rock pitched sides.
 - (b) Installation of upright memorials shall be performed by the memorial company that manufactured it and shall be attached to the foundation supplied by the City.
 - (c) A person must not attach any fixture or other thing to the memorial or the base that it rests on.
 - (d) Upright memorials are the property of the Rights Holder, or the deceased descendants and required care or repair is the responsibility of the aforementioned.

33(7) Bronze plaques for columbarium niche memorials shall be supplied and installed by the City to conform to the approved design and specifications of the applicable section of the Cemetery as established by the City. Only one niche memorial may be permitted to be installed on any one niche. Special consideration may be given for niche memorials of decedents who honourably or professionally served in protecting our Country and community and the appropriate agency approves the design and funds a portion of the plaque. Niche memorial enhancement fees may apply for special consideration memorials and are due at time of order.

(d) That Section 33 be amended by adding the following subsection:

33(10) Memorial boulders shall be supplied and installed by the City. Availability, placement and location will be at the discretion of the City. Scattering of cremated remains in areas determined by the City shall be permitted. Memorial boulders may be purchased as a memorial only. All memorial boulders shall have affixed a bronze plaque measuring 4" x 6". Up to two (2) plaques may be allowed per memorial boulder subject to its size and shape. The plaques shall be supplied and installed by the City to conform to the approved design and specifications of the applicable section of the cemetery as established by the City. Porcelain memorial portraits may be permitted subject to the shape and surface of the memorial boulder. Additional fees may apply and are due at time of order.

(e) That Section 37 Subsection 2 be deleted in its entirety and replaced with the following:

37(2) Plant material and grave adornments associated with events or celebrations will be removed at least 10 days after the event or when deemed unsightly by the Caretaker.

(f) That Section 37 be amended by adding the following subsection:

37(7) **Niches**

(a) Fresh or artificial flowers may be placed in the bud vase attached to the bronze memorial that forms part of a niche space.

(b) Floral tributes are to be of a certain size and placed in the bud vase as to not obstruct adjoining niches.

(c) Flowers or items taped or glued to the niche fronts will be removed immediately.

(d) Hanging adornments from the bud vase that forms part of the bronze plaque is prohibited.

(e) Tributes are not permitted to be placed on the ground in and around the Columbarium.

(f) Glass containers are prohibited.

(g) Fresh and artificial flowers will be removed by the Caretaker when their condition is considered to be unsightly.

(g) That Schedule “B” be hereby repealed and substituted therefore by the Schedule “B” attached hereto and forming part of this bylaw.

(h) That Schedule “C” be hereby repealed and substituted therefore by the Schedule “C” attached hereto and forming part of this bylaw.

2. This bylaw will come into force upon final adoption.

Read a first time this 20th day of June, 2011

Read a second time this 20th day of June, 2011

Read a third time this 20th day of June, 2011

Finally passed and adopted this 4th day of July, 2011

Mayor

Manager of Corporate Administration

830 Cliffe Avenue
 Courtenay BC, V9N 2J7
 250-334-4441
 250-334-4241 Fax

CITY OF COURTENAY
CEMETERY MANAGEMENT AMENDMENT BYLAW NO. 2679, 2011
SCHEDULE 'B'
RESIDENT FEES (\$)

Ground Burial	Grave Space	Care Fund Contribution	Preparation & Placement	TOTAL	Grave Space Only
Casket Lot	474.00	158.00	1215.00	1847.00	632.00
Casket Lot Section 'U'	549.00	183.00	1215.00	1947.00	732.00
Infant Lot or Stillborn Lot	132.00	44.00	607.00	783.00	176.00
Cremation Lot	225.00	75.00	285.00	585.00	300.00
Scattering			120.00	120.00	

Columbarium	Niche Space	Care Fund Contribution	Preparation & Placement	TOTAL	Niche Space Only
Double Niche 1st Interment	900.00	100.00	100.00	1100.00	1000.00
Double Niche 2nd Interment			100.00	100.00	
Bottom Row Side B	720.00	80.00	100.00	900.00	800.00

NON-RESIDENT FEES (\$)

Ground Burial	Grave Space	Care Fund Contribution	Preparation & Placement	TOTAL	Grave Space Only
Casket Lot	780.00	260.00	1215.00	2255.00	1040.00
Casket Lot Section 'U'	855.00	285.00	1215.00	2355.00	1140.00
Infant Lot or Stillborn Lot	246.00	82.00	607.00	935.00	328.00
Cremation Lot	315.00	105.00	285.00	705.00	420.00
Scattering			220.00	220.00	

Columbarium	Niche Space	Care Fund Contribution	Preparation & Placement	TOTAL	Niche Space Only
Double Niche 1st Interment	1620.00	180.00	100.00	1900.00	1800.00
Double Niche 2nd Interment			100.00	100.00	
Bottom Row Side B	1440.00	160.00	100.00	1700.00	1600.00

Memorials

Ground Marker Setting

Fee	Setting Fee	Maintenance Care Fund	TOTAL
Initial Placement	140.00	10.00	150.00
Resetting Fee	40.00	10.00	50.00

Columbarium Bronze

Memorials (includes installation)	Memorial	Maintenance Care Fund	TOTAL
Columbaria Bronze Niche Plate	440.00	10.00	450.00
Columbaria Bronze Second Name Scroll	115.00	10.00	125.00

3" x 4" Bronze Memorial on Scattering Board

	190.00	10.00	200.00
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Memorial Boulder includes 4" x 6" bronze plaque

	RESIDENT	790.00	10.00	800.00
	NON RESIDENT	1590.00	10.00	1600.00
➤ second plaque		290.00	10.00	300.00

Administration Fees

Late Arrivals at Cemetery (to be charged to funeral home for each half hour, or part thereof, after scheduled arrival time)		50.00
Licence Transfer Fee		20.00
Monday-Friday after 3:30 p.m.	Add \$250.00 to the Preparation and Placement Fee	
Saturday, Sunday and Statutory Holidays		
	Full Burial	Preparation and Placement Fee \$1,822.00
	Infant Burial	Preparation and Placement Fee \$ 945.00
	Cremation	Preparation and Placement Fee \$ 427.00
	Niche	Preparation and Placement Fee \$ 150.00
Exhumation Casket Lot		1600.00
Exhumation Cremation Lot		425.00
Exhumation Niche Space		125.00
Tent Set-up		125.00
Other Fees:		
Cemetery products not listed		Cost + 50%

All fees are subject to applicable taxes.

City of Courtenay
830 Cliffe Avenue
Courtenay, BC, V9N 2J7
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www.courtenay.ca

**CEMETERY MANAGEMENT AMENDMENT BYLAW NO. 2679
SCHEDULE "C"
DISINTERMENT PERMIT**

Date: _____

Name of Applicant: _____

Mailing Address: _____

Telephone Number: _____

Cemetery Lot No. _____ Original Interment Date: _____

Name of Deceased: _____

Form of Burial: Human Remains Cremated Remains

Disinterment Date: _____ Time: _____

Remains to be removed from the cemetery: Yes No

Funeral Home to be present (for human remains): _____

Caretaker notified

In consideration of payment by the Applicant to the City of Courtenay of the applicable fees and charges provided for in Cemetery Management Bylaw No. 2569, 2009, as amended, the City hereby grants a permit to the Applicant to disinter the human remains or cremated remains of the individual named above (the "Permit"), such Permit being subject to the terms and conditions contained in this Permit and to the provisions of the Bylaw and the *Cremation, Interment and Funeral Services Act, S.B.C. 2004, c.35 (the "Act")*.

The Applicant hereby authorizes the disinterment as indicated above for the above named deceased under the terms and conditions outlined herein and accept the responsibility for any damage to containers or encasements buried in the above named lot and any costs associated with this authorization.

Under "Order of Priority" provisions of the Cremation, Interment and Funeral Services Act of BC, 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 disinterment 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 City of Courtenay, its officers and employee, from liability, costs, expenses or claims resulting from this authorization.

Signature of Authorized Person

Disinterment: \$ _____ (CEMOP)
Other Charges: \$ _____
GST: \$ _____
TOTAL: \$ _____

TERMS AND CONDITIONS OF PERMIT

The permit is conditional upon the Applicant complying in all respects with the terms and conditions of the Bylaw and the Act and regulations thereto as applicable, and the payment of the fees and charges set out in Schedule “A” of the Bylaw.

Excerpts from Cemetery Management Amendment Bylaw No. 2679:

“Disinterment” means the removal of Human Remains along with the casket or container, or any remaining portion of the casket or container holding the Human Remains, from the Lot in which the Human Remains had been interred.

14. *Pursuant to Section 16 of the CIFSA a cemetery must not exhume or disinter human remains or cremated remains until:*
 - a. *the Manager of Corporate Administration receives a written request from the person who has control of disposition of the remains of the person interred as provided in the Act;*
 - b. *approval of the exhumation by the Administrative Authority is received by the Manager of Corporate Administration;*
 - c. *the Manager of Corporate Administration has issued a permit;*
 - d. *all applicable fees have been received by the Manager of Corporate Administration*
 - e. *This Bylaw, the Act, and any other applicable legislation have been fully complied with.*
- (1) *In addition to the conditions under section 14, in the case of a person who at the time of death was known to have had an infectious or contagious disease, the Manager of Corporate Administration will give written notice to and receive approval from the Medical Health Officer before issuing a valid disinterment permit.*
- (2) *The City will exercise due care and attention when conducting a disinterment, but is not responsible for any damage to any casket, urn or other container or human remains sustained during the disinterment.*
- (3) *The City’s responsibility with respect to disinterment or exhumation will end at the point where the soil is sufficiently excavated to permit access to the remains for removal by the attending funeral provider employed at the expense of the Interment Right Holder or their successors.*