

ATTACHMENT B  
Consolidated Bylaw with Tracked  
Changes

CITY OF NANAIMO

BYLAW NO. 7084

A BYLAW RELATING TO THE OPERATION AND MAINTENANCE OF CEMETERIES AND  
THE INTERMENT OR OTHER DISPOSITION OF THE DEAD

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WHEREAS Council of the City of Nanaimo has the power under the *Community Charter* to enact a bylaw to regulate, prohibit and impose requirements in relation to cemeteries and the interment or other disposition of the dead;

AND WHEREAS the *Cremation, Interment and Funeral Services Act* provides that Council may establish itself as a board of trustees to operate a place of interment;

AND WHEREAS the *Cremation, Interment and Funeral Services Act* provides that every operator of a place of interment must make bylaws, including bylaws respecting the organization, operation and management of the place of interment, and the rights, privileges and responsibilities of the operator;

THEREFORE the Council of the City of Nanaimo, in open meeting assembled, ENACTS AS FOLLOWS:

1. Title

This Bylaw may be cited as "CEMETERY BYLAW 2009 NO. 7084".

2. Definitions

In this bylaw, unless the context otherwise requires:

"APPROVED INSTALLER" Means a designated City employee or private sector company representative or individual who has been authorized by the City to install Memorial Markers on Burial Plots in City of Nanaimo Cemeteries pursuant to the terms of this Bylaw and the requirements of the City.

"BURIAL LINER" Means a ridged fiberglass shell structure, polypropylene vault or concrete vault to cover a casket or cremation urn for an in-ground Interment.

"BURIAL PLOT" Means an individual designated burial site for Interment of Human Remains or Cremated Remains.

“CARETAKER”	Means a person or persons employed by the City from time to time and charged with duties and responsibilities associated with Cemetery maintenance and the provision of services in City Cemeteries including the opening and closing of Burial Plots.
“CEMETERY”	Means land that is set apart or used as a place of Interment of Human Remains or Cremated Remains and includes any incidental or ancillary buildings on the land.
“CEMETERY CARE FUND”	Means the fund established for the care and maintenance of a place of Interment.
“CHILD”	Means a person one year old up to and including twelve years of age (Casket length not to exceed three feet six inches or one hundred seven centimeters).
“CITY”	Means the City of Nanaimo.
“COMMUNICABLE DISEASE”	Means an illness, due to a specific infectious agent or its toxic products, which arises through the transmission of that agent or its product.
“CONTRACTOR”	Means an authorized person, firm or corporation engaged in placing, erecting, or repairing any Memorial, or performing any work in a Cemetery other than an employee of the City.
“COUNCIL”	Means the Council of the City of Nanaimo.
“CREMATED REMAINS”	Means human bone fragments left after Human Remains are cremated.
<del>“DIRECTOR OF ENGINEERING AND PUBLIC WORKS” or “DIRECTOR”</del>	<del>Means a person duly appointed as such from time to time by Council and includes any person appointed or designated by the Director of Engineering and Public Works to act on their behalf.</del>
“DISINTERMENT”	Means the removal, for the purpose of permanent relocation, of: (a) Cremated or Human Remains; and (b) the container, or any of the remaining container, holding the Human Remains, from the plot in which the remains of a deceased person are interred.
“EXHUMATION”	Means the exposure and removal of interred human remains for the purposes of viewing or examination.
“FINANCIAL OFFICER”	Means a person duly appointed as such from time to time by Council, and the one charged with responsibility for the

administration of the Bylaw and includes any person appointed or designated by the Financial Officer to act on their behalf.

GENERAL MANAGER,  
ENGINEERING & PUBLIC  
WORKS

Means a person duly appointed as such from time to time by the Chief Administrative Officer.

“GRAVE”

Means a space of ground in a Cemetery intended to be used for the permanent Interment in the ground for of the remains of a deceased person.

“HUMAN REMAINS”

Means a dead human body in any stage of decomposition, but does not include Cremated Remains.

“INFANT”

Means a person under one year of age.

“INTERMENT”

Means disposition by  
(a) burial of Human Remains or Cremated Remains;  
(b) entombment of Human Remains; or,  
(c) inurnment of Cremated Remains.

“INTERMENT RIGHTS  
CERTIFICATE”

Means a City issued certificate that recognizes the holder has pre-arranged access to Interment Rights at a specified location.

“MEDICAL HEALTH  
OFFICER

Means a person holding office as the Medical Health Officer with jurisdiction within the City.

“MEMORIAL” or  
“MEMORIAL MARKER” or  
“MARKER”

Means a tombstone, monument, plaque or other marker on a grave or burial plot used to identify a lot or memorialize a deceased person.

“MEMORIAL MARKER  
INSTALLATION PERMIT”,  
“MARKER RE-  
INSTALLATION PERMIT”  
or “MARKER  
ALTERATION PERMIT”

Means a City issued permit authorizing Cemetery Memorial suppliers to enter Cemetery grounds to install, alter, remove and/or re-install a Memorial Marker on a designated Burial Plot as shown on the permit.

“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/or the Business Practices and Consumer Protection Act and includes any person designated therein as having appropriate administrative authority to act as a Director under the Business Practices and Consumer Protection Act.

“NON-RESIDENT”	Means a person who has neither resided nor owned land within the City of Nanaimo for a minimum of one year or more immediately prior to <del>his or her</del> <u>their</u> death.
“RELATED FAMILY MEMBER”	Means husband, wife, spouse, son, daughter, brother, sister, father, mother, grandfather, grandmother, grandson, and granddaughter or their heirs.
“RESIDENT”	Means a person who has either resided or owned land within the City of Nanaimo for a minimum of one year prior to <del>his or her</del> <u>their</u> death.
“RIGHT OF INTERMENT LICENCE” or “LICENCE”	Means a licence issued by the City of Nanaimo.
“STATUTORY HOLIDAY”	Means a holiday as defined in the Interpretation Act other than a Sunday.
“WORKING DAY”	Means every calendar day that is not Saturday, Sunday or a Statutory Holiday.

- 2.1 All other words and phrases in this bylaw shall be construed in accordance with the meaning assigned to them in the *Cremation, Interment and Funeral Services Act* and the *Business Practices and Consumer Protection Act* and their associated regulations, all as amended or replaced from time to time.

### 3. Cemetery Designation

- 3.1 The following lands have been set aside to be operated, used or maintained as a Cemetery by the City:
- (a) the Nanaimo Cemetery, known as the Bowen Cemetery, legally described as that part of Section 1, Block 1396, Nanaimo District, containing 10.2 acres more or less with a street address of 555 Bowen Road;
  - (b) the Wellington Cemetery, located at 4700 Ledgerwood Road and legally described as Lot 2, Section 5, Wellington District, Plan 4633 containing 1.0 acres more or less; and,
  - (c) the Townsite Road Cemetery, known as the Chinese Cemetery legally described as Lot A, Section 14 & 15, Range 8, Mountain Land District, Plan 3257 except part in plan VIP60664 and located at 1598 Townsite Road containing 4.35 acres more or less.

### 4. Site Plans

A copy of site plans for each Cemetery shall be available for public inspection by the City in the Municipal Office.

### 5. Right of Interment

- 5.1 No Human Remains or Cremated Remains may be interred in a Cemetery unless a Licence for such Interment has been obtained from the City.
- 5.2 All persons applying for a Right of Interment must pay the fees prescribed in ~~Schedule “A” to this Bylaw~~ City’s Fees and Charges Bylaw.
- ~~5.3 A person at the time of need, may acquire an Interment Rights Certificate for one additional plot for future use by a related family member.~~
- ~~5.4 The Interment Rights Certificate can only be transferred to a related family member who will return the original Interment Rights Certificate to the City of Nanaimo, who will, in accordance with the terms of this Bylaw, issue a new certificate to the transferee. If the holder of the Interment Rights Certificate does not want to exercise this right in the future, a written request to transfer all rights back to the City must be made by the Authorized Person. The City of Nanaimo will refund the rights holder the original Certificate fee paid less the Perpetual Reserve Care Fund fees.~~
- ~~5.5 When all conditions of this Bylaw have been met the Financial Officer shall effect the desired transfer by an endorsement upon the Interment Rights Certificate and shall record the Burial Plot transfer in the books or other records kept by the Financial Officer for that purpose.~~

~~5.65.3~~ All Licences and Certificates issued for use of a Burial Plot in a Cemetery shall be subject to the provisions of this Bylaw and all subsequent Bylaws passed by Council.

## 6. Fees and Charges

- 6.1 Council imposes the fees for Interment, Exhumation, Disinterment, use of a Burial Plot, and care of Burial Plots and charges for services, amenities or works provided by the City under this Bylaw as set out in ~~Schedule “A” to this Bylaw~~ the City’s Fees and Charges Bylaw.
- 6.2 The fees set out in ~~Schedule “A” of this Bylaw~~ the City’s Fees and Charges Bylaw shall be paid at City Hall. Financial arrangements must be completed prior to Certificates, Licences, and Permits being issued.
- 6.3 All fees set out in ~~Schedule “A” the City’s Fees and Charges Bylaw~~ of this Bylaw, and in accordance with Subsection 6.2, are due for any work or service or amenity supplied in full for all other work or service within thirty (30) days of the work or service or amenity being provided or the full cost of such amounts due are subject to interest charges ~~for accounts receivable~~ receivable of 12% per annum (1% per month) in accordance with the Fees and Charges Bylaw.

## 7. Permission to Inter, Disinter, Exhume

- 7.1 A person must not inter Human Remains or Cremated Remains or install or remove a Memorial Marker in a Cemetery until the person has obtained and holds all applicable Memorial Installation Permits or Licences.

- 7.2 Permits and Licences for Cemetery related services or amenities are available at the ~~City Hall~~the Service and Resource Centre between the hours of 8:30 AM and 4:30 PM on any day of the week other than Saturday, Sunday or a Statutory Holiday. All such Memorial Installation Permits and Licences must be obtained by the applicants at least five (5)~~3~~ full Working Days before such Interment or installation takes place.
- 7.3 Any person who makes application for a Right of Interment Licence or who requires an Interment to be made, shall provide the Authorized Person the following information:
- (a) the name, age and date of death of the deceased;
  - (b) a copy of the burial permit issued by a vital statistics registrar under the *Vital Statistics Act*;
  - (c) whether a communicable disease, as defined in the *Health Act Communicable Disease Regulation* under the *Health Act*, caused the death;
  - ~~(e)~~(d) a Will of the lawful licence holder, with letters probate where applicable, showing that applicant as either the recipient of that cemetery space under that Will or as the person entitled to the residue of the estate after all the obligations and specific bequests under that Will have been settled
  - ~~(d)~~(e) the time and date of the funeral
  - ~~(e)~~(f) the name and mailing address of a person who had a kinship relationship with the deceased;
  - ~~(f)~~(g) a copy of the written authorization required under the *Cremation, Interment and Funeral Services Act* from the person who under the *Act* has the right to control the disposition of the human remains and the address of the person giving the authorization; and
  - (h) any other information the Authorized Person may reasonably request.
- ~~(g)~~ 74.5 In the absence of a Will and where the Right of Interment Certificate holder is deceased, the control of disposition will be in accordance with the *Cremation, Interment, and Funeral Services Act*.
- ~~7.4~~ 7.5 No Interments, Disinterments or Exhumations shall be permitted on:
- (a) any Saturday, unless the prescribed additional charge for Saturday Interments is paid as set out under Schedule “A” attached hereto.
  - (b) on a Sunday or any other Statutory Holiday without the written permission of the ~~Director~~ General Manager of Engineering and Public Works except where necessary in ~~order~~to order to comply with an order or direction of the Medical Health Officer.
- ~~7.5~~ 7.6 Where the Medical Health Officer directs that a body be Interred, Disinterred or Exhumed in a Cemetery during any period when the City’s offices are closed, the notification of the ~~Director~~ General Manager of Engineering and Public Works is required and must be obtained prior to the unscheduled Interment, Disinterment or Exhumation taking place.

~~7.6~~ ~~7.7~~ Where an Interment, Disinterment or Exhumation is performed in a Cemetery under subsection ~~7.65~~ of this Bylaw, the Medical Health Officer or the person who permitted or performed the Interment, Disinterment or Exhumation shall report the matter to the Financial Officer together with a statement of the name, age, and date of death of the deceased, whether or not the death was caused by a Communicable Disease, together with such other information required by the Financial Officer to ascertain the circumstances of the Interment or Disinterment, together with such fees as may be required in accordance with Schedule “A”, if such fees have not already been paid to the City.

~~7.7~~ ~~7.8~~ The person who must provide information under Section ~~7.76~~ of this Bylaw shall do so on the next regular scheduled working day following the Interment or Disinterment.

~~7.8~~ ~~7.9~~ Pursuant to the *Cremation, Interment and Funeral Services Act* and all regulations under the *Act*, no deceased person Interred in City Cemeteries shall be Exhumed or Disinterred unless the City has received written permission from the person with the right to control disposition of the Human Remains or Cremated Remains and any authorization required by applicable enactments. Given such authorization/direction, Disinterment or Exhumation will take place if:

- (a) an approved receptacle has been provided into which the disinterred Human Remains can be placed by accompanying licensed funeral service provider(s);
- (b) the fee(s) for Disinterment of Human Remains or Cremated Remains have been paid to the Financial Officer;
- (c) the person who makes a request for the exhumation or disinterment under section 5 of the *Cremation, Interment and Funeral Services Act* must ensure that a funeral provider, employed at the expense of the requestor, receives the human remains immediately after the Burial Plot is opened.

~~7.9~~ ~~7.10~~ Utmost care will be exercised by Cemetery staff and funeral service providers in performing a Disinterment or Exhumation but the City assumes no liability for damage to any casket, Remains, urn, Burial Liner incurred in performing the Disinterment or Exhumation.

## 8. Interment in a Cemetery

8.1 No Human Remains or Cremated Remains other than those of a deceased human shall be Interred in a Cemetery and all Interments shall be subject to the provisions of this Bylaw.

8.2 When Human Remains or Cremated Remains of a person who died while suffering a Communicable Disease are to be interred in a Cemetery, any instruction given by the Medical Health Officer respecting the Interment shall be fully and carefully followed.

8.3 When Human Remains or Cremated Remains of a person are delivered to a Cemetery for Interment and the Interment is subject to an order or direction of the Medical Health Officer, the person delivering the Human Remains to a Cemetery shall inform the City in writing.

- 8.4 Each Interment of Human Remains in a Cemetery requires not less than 0.75 meters of earth between the general surface level of the ground at the Burial Plot site and the upper surface of the Burial Liner enclosing the Human Remains resting in the Burial Plot.
- 8.5 A maximum of two Interments of Human Remains may be permitted in each single Burial Plot in a Cemetery if, upon investigation by the City it is determined that the existing ground conditions are conducive to performing a deeper depth Interment within the intended Burial Plot and, the performance of same will not negatively impact any adjacent Burial Plot or any Human Remains or Cremated Remains existing within any plot.
- 8.6 When two Interments of Human Remains are permitted in one Burial Plot, the Human Remains of the first body shall be interred in the Burial Plot at a lower depth than the second and at a depth that allows the second burial to conform with the requirements of Section 8.4.
- 8.7 A City approved Burial Liner shall be used for each Interment of Human Remains or Cremated Remains.
- 8.8 Each Interment of Cremated Remains in a Cemetery requires not less than 0.5 meters of earth between the general surface level of the ground at the Burial Plot site and the upper surface of the Burial Liner enclosing the Cremated Remains, except where a concrete encased container for Cremated Remains is incorporated into the construction of a Memorial Markers base used as the concrete foundation-base for a Memorial Marker and installed on a Burial Plot in accordance with Section 11.3.
- 8.9 The maximum number of Interments of Cremated Remains permitted per Burial Plot is as follows:
- (a) Single Burial Plot (Minimum Plot size 0.9M by 2.3M) - 8 [Ash](#) Interments [plus 2 Full Interments](#)
  - (b) Half size [or Cremation](#) Burial Plot (Minimum Plot size 0.9M by 1.2M) - 4 [Ash](#) Interments [plus 1 Child/Infant Full Interment](#)
  - (c) [In cases where Cremated Remains are interred earlier than a Full Interment, Disinterment Fees will apply in accordance with the Fees and Charges Bylaw](#)
- 8.10 Pursuant to Section 8.9, locations for Cremated Remains assigned to a Burial Plot will be evenly spaced across the length and width of the Burial Plot and assigned an individual Cremation Plot address within the Burial plot.
- 8.11 The Cremated Remains of each individual will be Interred in an assigned location within a Burial Plot or Cremation Plot.
- 8.12 All Interments, Disinterments or Exhumations shall be performed by the City or designate as authorized by the City, the [Director General Manager of Engineering and Public Works](#) or the Financial Officer.



8.13 When instructions regarding location of a Burial Plot cannot be obtained or are indefinite, or when, for any reason, a specific Burial Plot cannot be utilized the Caretaker may, use an alternate Burial Plot in a Cemetery which is deemed best so as not to delay the scheduled funeral service. The Cemetery will not be liable for damages for any change of location made.

## 9. Administration

9.1 The Financial Officer shall maintain records as necessary for the administration and management of the Cemetery under this Bylaw and under other applicable enactments.

9.2 The Financial Officer is hereby authorized, subject to the provisions of this Bylaw, to grant an Interment Rights Certificate for any unoccupied and unlicensed Burial Plot in a Cemetery.

9.3 The Financial Officer shall issue all Licences and Permits for Interment and/or Memorial installation as required by this Bylaw except as otherwise provided herein.

9.4 Upon issuing any Licence for Interment in a Cemetery, or upon viewing an order for Disinterment or Exhumation from the proper authority as required by Section 7.98 hereof, the Financial Officer shall notify appropriate City staff prior to the intended Interment, Disinterment or Exhumation giving the name of the deceased, the number and location of the Burial Plot and any instructions of the Medical Health Officer relative to the Interment, Disinterment or Exhumation.

9.5 The City of Nanaimo reserves the right to claim the interment rights for an unused plot where such reclamation shall be carried out in compliance with and subject to the reclamation requirements set out in Section 25 of the Cremation, Interment, and Funeral Services Regulation of BC.

## 10. Cemetery Care Fund

10.1 A fund is hereby established to be known as the “Cemetery Care Fund” which shall be administered in accordance with the requirements of applicable enactments.

10.2 A bank account shall be established to be known as “Cemetery Care Fund” into which the Financial Officer shall pay all funds received for fund purposes. All such funds shall be deposited in said account, and held pending investment as hereinafter provided.

10.3 On each Right of Interment, Interment Rights Certificate and Memorial Marker Permit the Financial Officer shall pay into the Cemetery Care Fund, a Cemetery Care Fund Fee as specified in Schedule “A” the City’s Fees and Charges Bylaw.

10.4 Per all Rights of Interment, Interment Rights Certificates and Memorial Marker Permits, the amount paid to the Cemetery Care Fund contribution purposes shall

be irrevocable and be for the amount specified in Schedule “A the City’s Fees and Charges Bylaw.

- 10.5 Investment of funds received for Cemetery Care Fund purposes shall be made as required by regulations under the *Cremation, Interment and Funeral Services Act*.
- 10.6 The income from the Cemetery Care Fund, including any appreciation thereof, shall be used for the sole purpose of upkeep and maintenance of properties licensed as City Cemeteries.
- 10.7 The principal sum of the Cemetery Care Fund shall not be reduced other than in accordance with provisions providing for such as contained within the *Cremation, Interment and Funeral Services Act*.
- 10.8 A separate account of all monies received and all monies expended under the provisions of this Bylaw shall be kept by the Financial Officer and any surplus shall be paid at the end of each financial year into a fund to be known as the “Cemetery Care Fund” and same shall be invested by the City in accordance with the provisions of the *Community Charter*. The interest derived from such investment shall be used for the upkeep of cemeteries and their attached grounds, fixtures and amenities.

## 11. Memorial Markers

11.1 No person shall remove ~~or place~~ a Memorial Marker, tablet or monument, or memorial curbing on any Burial Plot without first obtaining a Memorial Installation Permit.

11.2 No person shall make on-site changes to a Memorial Marker, tablet or monument without first obtaining a Marker Alteration Permit.

11.32 Any Memorial Marker installed or removed on any Burial Plot in a City Cemetery must be installed or removed by a person who:

- (a) has applied for a Memorial Installation Permit;
- (b) has paid the Memorial Installation Permit fee set out in Schedule “A” to this Bylaw;
- (c) is a City Approved Installer authorized to do the work; and,
- (d) at the time of installation, any Approved Installer, other than City Cemetery staff, must have in their possession a copy of the Memorial Installation Permit, relevant to the specific Burial Plot where work is taking place. Further to this, if requested by a City representative, the Approved Installer must present the Memorial Installation Permit as proof/authorization to perform work in a Cemetery.

11.43 A Memorial Marker may only be made of granite or bronze and installed in a position and location on a Burial Plot according to the requirements established by the City as follows:

- (a) each Memorial Marker shall be rectangular in shape;

- (b) when installed, the top surface of a Memorial Marker must be set level and flush with the surface of the surrounding ground;
- (c) each bronze Memorial Marker shall be attached to a concrete or granite base not less than 10 centimeters (4 inches) thick with side surfaces true and perpendicular with the top surface of the attached tablet;
- (d) each granite Memorial Marker shall be not less than 10 centimeters (4 inches) thick and shall have its side surfaces true and perpendicular with its top surface;
- (e) raised inscriptions shall only be permitted on a Memorial Marker provided the lettering is not raised more than 0.3175 centimeters (1/8 inch) above the face of such tablet;
- (f) the top surface of a Memorial Marker and/or concrete base shall not at any time exceed the dimensions of the Burial Plot on which it is being placed. Further to this, the maximum dimension of any Memorial Marker and/or concrete base shall not exceed 46 centimeters by 91 centimeters (18 inches by 36 inches);
- (g) pursuant to Subsection (c) above, a bronze Memorial Marker intended for installation on a Burial Plot may be smaller than its concrete base, provided the concrete base conforms to the size for the Burial Plot as required by Subsection (f) above, and provided the part of the base extending beyond the bronze tablet, does not exceed 5 centimeters (2 inches) wide and has a smooth, slightly beveled surface to shed water at its outer edges;
- (h) a maximum of two Memorial Markers may be installed on each Burial Plot. Where two related persons are Interred side by side in adjacent Burial Plots, one 46 centimeter by 91 centimeter (18 inch by 36 inch) tablet which provides for the Memorialization for both Burial Plots may be used instead of two separate Markers provided the single Marker so used is set to embrace evenly the two Burial Plots concerned;
- (i) a Memorial Marker providing a concrete encased containment area for Cremated Remains within its concrete base which conforms to pertinent requirements of Section 11.3, and which supports either a granite or bronze tablet, may enclose one or two containers of Cremated Remains of deceased persons as permitted by the terms and requirements of Section 8.8; and,
- (j) the ownership upkeep or maintenance of any Memorial Marker remains the responsibility of the purchaser and their family and does not pass to the City.

11.54 Old Memorial Markers that have been laid flat may be re-erected if any inscription upon the marker has been buried below ground level. This work must be first approved by the City and carried out under a marker installation permit by an approved installer at the family's expense. (Bylaw No. 7084.01)

[11.6 Commonwealth War Grave Commission Memorial Markers that have been laid flat may be re-erected. This work must first be approved by the City and carried out under a marker installation permit by an approved installer at the expense of the Commonwealth War Grave Commission. Wording for allowing Commonwealth to re-erect monuments](#)

## 12. General

- 12.1 No person shall plant install or maintain any alternative landscaping such as a fence, coping, hedge, curb, railing or rockery of any kind on or adjacent to a Burial Plot in a Cemetery.
- 12.2 To facilitate the ongoing maintenance needs of any Cemetery, Burial Plot or Cemetery amenity the ~~Director~~ General Manager of Engineering and Public Works, is authorized to:
  - (a) remove or cause the removal of any alternative landscaping installed contrary to Section 12.1 from any Burial Plot or area of a Cemetery; and
  - (b) lay any existing upright Memorial Marker in a horizontal position on its respective Burial Plot.
- 12.3 Changes in the boundaries of any Cemetery are governed by the *Cremation, Interment and Funeral Services Act*.
- 12.4 The City is authorized to do all such work in relation to the maintenance, operation and alteration of a Cemetery, including construction, removal, replacement or re-grading of roads, landscaped areas, drives and walks and all other fixtures and amenities attached to any Cemetery including the alteration of sprinkler and drainage systems, as considered advisable for the proper operation, maintenance and development of a Cemetery.
- 12.5 Subject to Section 43 of the *Cremation, Interment and Funeral Services Act*, the City is authorized to correct any error in the allocation of a Burial Plot or in performing or arranging Interments, Disinterment's, Exhumations or in the transfer, or conveyance of same. The purpose of this Bylaw does not include the assumption by the City of a duty of care toward any person. Where Human Remains have not been interred, the City may, in its discretion, refund an amount of money paid on account of the purchase involved. Prior to refunding any amount of money, the City will make reasonable efforts to offer alternatives including, if necessary, finding and offering an alternative Burial Plot in a City Cemetery of equal value and in as close a proximity as possible to the requestors location needs, to be substituted and conveyed.
- 12.6 Cut flowers, wreaths and floral offerings may be placed on a Burial Plot or in a Cemetery however:
  - (a) no vase or flower holders are permitted, except as approved by the City in writing;
  - (b) the City, or its designate, may remove flowers, wreaths and floral offerings, at their sole discretion when their condition is considered to be detrimental to the aesthetics of the Cemetery; and,
  - (c) notwithstanding Subsections (a) and (b) above, no artificial flowers shall be placed on a Burial Plot between May 01 and September 30 in any year.
- 12.7 No person, other than a City employee, authorized Contractor or agent of the City or their designate authorized to do so, shall place, plant, remove, cut down or destroy any tree, shrub, plants, flowers, bulbs or rocks in a Cemetery. Any

unauthorized plant material or other unauthorized item left in a Cemetery or on a Burial Plot may be removed by the City at their sole discretion.

- 12.8 A person shall not park a vehicle of any kind in front of any Cemetery main entrance gate or in any manner which will obstruct access thereto or restricts access roads within a Cemetery, at any time.
- 12.9 A person shall not drive or park any vehicle on any landscaped area or walkway within a Cemetery except under situations involving authorized work being undertaken by a City employee, Contractor or agent of the City or their designate authorized to work in a Cemetery.
- 12.10 No unauthorized person shall enter the Cemetery in a vehicle after 4:30 pm daily or before 8:00 am daily, or drive a vehicle in the Cemetery at any time at a speed of more than 15 kilometers an hour, and all vehicles and their drivers while on Cemetery grounds shall be subject to the directions and orders of the City or its designate.
- 12.11 All persons and funeral processions in the Cemetery shall obey the reasonable instructions of the designated City representative responsible for the Interment service.
- 12.12 Any person not behaving with proper decorum within a Cemetery, or disturbing the quiet and good order of a Cemetery may be evicted there from by a designated City representative.
- 12.13 All Interments shall be scheduled to take place between the hours of 9:00:00 AM and 23:00 PM, and a maximum of ~~three~~ two (32) Ash Interments and one (1) Full Interment shall be permitted and scheduled on any one day unless otherwise approved by the General Manager of Engineering and Public Works~~Director~~.
- 12.14 No person shall, within the limits of a Cemetery, solicit orders or advertise the availability of, or arrange for the sale, lease or other transfer for consideration of any goods, works or services including, but not limited to Memorial services, Memorial Markers, memorial flowers, statues, carvings or urns in relation to any service attached to cemetery functions, Interment, Memorialization or a Burial Plot.
- 12.15 No person shall discharge a firearm within a Cemetery, other than in regular volleys as part of military interment service and where it has been first approved in writing by the ~~Director~~ General Manager, Engineering and Public Works prior to the service.
- 12.16 Unless authorized by the ~~Director~~ General Manager of Engineering and Public Works or provisions of this bylaw, any person who destroys, mutilates, defaces, injures, or removes:
  - (a) any monument, Memorial, Memorial Marker or other feature or structure at a Burial plot; or,
  - (b) any fence, railing, curbing, or other item or work for the delimitation or protection or adornment of a Cemetery, or any Burial Plot,

commits an offence under this Bylaw and upon conviction, is liable to the penalties set out in Section 13.

12.17 A person who on Cemetery grounds:

- (a) destroys, cuts, breaks or injures any tree, shrub, plant or other plant material within a Cemetery, other than in conjunction with maintenance or Cemetery renovations being performed by the City or on their behalf by their designate;
- (b) plays a game or sport;
- (c) discharges a firearm except with an approval under Section 12.15;
- (d) disturbs persons assembled for the purpose of Interment;
- (e) deposits any rubbish or offensive matter or thing in any part of a Cemetery,

commits an offence under this Bylaw and upon conviction, is liable to the penalties set out in Section 13.

13. Penalty

~~Any person guilty of an infraction of this Bylaw, shall be liable upon conviction, to a penalty not exceeding ten thousand dollars (\$10,000).~~

~~13.1 Any Person who causes, permits or allows anything to be done in contravention or violation of this Bylaw, or who neglects or fails to do anything required to be done pursuant to this Bylaw, commits an offence against this Bylaw and is liable upon summary conviction to pay a fine of not more than \$50,000, plus the costs of prosecution, and any other penalty or remedy available under the Community Charter and Offence Act.~~

~~13.2 This Bylaw may be enforced by bylaw notice pursuant to the Bylaw Notice Enforcement Bylaw 2012 No. 7159, as amended or replaced.~~

~~13.3 Each day that an offence continues or exists shall constitute a separate offence.~~

14. Disclaimer of Warranties

Notwithstanding anything herein contained, the administration and operation of a Cemetery shall be carried out at all times in accordance with the *Cremation, Interment and Funeral Services Act* and/or the *Business Practices and Consumer Protection Act* and all pertinent regulations thereunder.

15. Severability

If any portion of this bylaw is declared invalid by a court of competent jurisdiction, the invalid portion must be severed and the remainder of the bylaw is deemed valid.

16. Repeal

“CEMETERY BYLAW 1998 NO. 5302”, and all amendments thereto, are hereby repealed.

~~17. Effective Date~~

~~This bylaw shall come into force on 2010-JAN-01.~~

## Schedule A

### Cemetery Charges

All fees shall be payable by the Applicant at City Hall at the time of application.

#### RESIDENT FEES

Ground Burial	Right of Interment	Right of Interment Care Fund	Preparation & Placement	Preparation & Placement Care Fund	Liner (Supplied by City)
Full Plot—Adult	\$800.00	\$(320.00)	\$700.00	\$(50.00)	\$550.00 <sup>*a</sup>
Full Plot—Child/Infant	800.00	(320.00)	330.00	(30.00)	550.00 <sup>*a</sup>
Half Plot—Child/Infant	500.00	(250.00)	330.00	(30.00)	125.00
Cremation Plot	500.00	(250.00)	330.00	(30.00)	100.00 <sup>a</sup>

#### NON-RESIDENT FEES

Ground Burial	Right of Interment	Right of Interment Care Fund	Preparation & Placement	Preparation & Placement Care Fund	Liner (Supplied by City)
Full Plot—Adult	\$950.00	\$(420.00)	\$700.00	\$(50.00)	\$550.00 <sup>*a</sup>
Full Plot—Child/Infant	\$950.00	\$(420.00)	\$330.00	\$(30.00)	\$550.00 <sup>*a</sup>
Half Plot—Child/Infant	\$620.00	\$(290.00)	\$330.00	\$(30.00)	\$125.00
Cremation Plot	\$620.00	\$(290.00)	\$330.00	\$(30.00)	\$100.00 <sup>a</sup>

\* Add \$100.00 additional fee for oversized grave liner.

<sup>a</sup> \$200.00 for installation of approved burial liner supplied by outside source. \$50.00 for installation of approved cremation liner supplied by an outside source.

#### FEES FOR SERVICES & PRODUCTS

Memorials	Fee	Care Fund
Memorial Installation Permit	\$100.00	(\$50.00)
Marker Re-Installation Permit	\$ 75.00	
City to Install Marker	\$100.00	

Additional Administration Fees	Fee	Care Fund
Late Arrival—Monday to Friday, all services	\$75/ half hour	
Saturday Interment	\$500.00	
Disinterment/Exhumation—Adult	\$800.00	(\$80.00)
Disinterment/Exhumation—Child/Infant	\$400.00	(\$40.00)
Disinterment/Exhumation—Ashes	\$300.00	(\$30.00)
Double Depth Burial	\$300.00	(\$30.00)

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## City of Nanaimo

455 Wallace Street — Nanaimo, BC V9R 5J6 Telephone: (250) 755-4501 — Fax: (250) 755-4440 —  
www.nanaimo.ca

**Effective January 1, 2010**