

DATE OF MEETING NOVEMBER 4, 2024

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SUBJECT CEMETERY AMENDMENT BYLAW NO. 7084.02

OVERVIEW

Purpose of Report

To introduce amendments to the Cemetery Regulation Bylaw to authorize the 22 Commonwealth War Graves Commission memorials to be re-erected and address other housekeeping amendments.

Recommendation

That:

1. "Cemetery Bylaw Amendment Bylaw 2024 No. 7084.02" (a bylaw to authorize Commonwealth war Graves Commission memorial and other housekeeping amendments) pass first reading.
2. "Cemetery Bylaw Amendment Bylaw 2024 No. 7084.02" pass second reading.
3. "Cemetery Bylaw Amendment Bylaw 2024 No. 7084.02" pass third reading.

BACKGROUND

The City of Nanaimo owns and operates three (3) public cemeteries. These cemeteries provide for interment of Nanaimo residents and create a connection to Nanaimo's past. The cemetery operations are run out of the Sanitation and Cemeteries Section at Public Works and supported by Revenue Services staff in the Finance Department. This small group of staff undertake between 60 and 70 interments each year. Each of the three operating cemeteries (Bowen, Townsite/Chinese, Wellington) are licensed by the Province under the Cremation, Interment and Funeral Services Act.

As the City has grown, the bylaw has failed to keep up with operational changes and the fees and charges no longer reflect the value of the real estate and the value of the effort from staff. The Cemetery Bylaw was last updated in 2009 and is overdue for review

The City was also approached by members of the public to amend the bylaw to authorize the re-erection of the headstones of the men and women of the Commonwealth that died in service during the First and Second World Wars. The memorials in the Bowen Cemetery were laid down during the modernization project in the 1960's. The proposed amendments as outlined in Attachment 1 would facilitate re-erection of the headstones by the Commonwealth War Graves Commission, along with some other required adjustments to maximize plot utilization, to interment hours to reflect actual staff capacity, and other housekeeping amendments.

DISCUSSION

The proposed update to the Cemetery Bylaw provides for the following:

- New language to allow the 22 Commonwealth War Graves Commission memorials to be re-erected;
- Administrative updates, such as definitions, legislated requirements, etc.;
- Operational requirements to maximize plot utilization;
- Adjustments to interment hours to reflect actual staff capacity; and
- Remove the Fees and Charges schedule so that they can be incorporated within the Fees and Charges Bylaw (see separate report on this topic)

In considering these updates, staff reviewed relevant changes to the *Cremation, Interment and Funeral Services Act* and followed advice from Consumer Protection BC as the responsible Provincial agency; and requests for new services from outside agencies.

The Commonwealth War Graves Commission (CWGC) is an intergovernmental agency created to commemorate the men and women of the Commonwealth that died in service during the First and Second World Wars. The memorials in the Bowen Cemetery were laid down during the modernization project in the 1960's. Staff support the initiative by members of the public to re—erect these historic memorials. Staff have connected with CWGC to undertake this initiative at CWGC's cost, pending a site review scheduled for spring 2025. The proposed language in the bylaw is in anticipation of this project. Care and maintenance of the memorials remains the responsibility of the CWGC in perpetuity.

OPTIONS

Option 1:

That:

- 1) "Cemetery Bylaw Amendment Bylaw 2024 No. 7084.02" (a bylaw to authorize Commonwealth war Graves Commission memorial and other housekeeping amendments) pass first reading;
- 2) "Cemetery Bylaw Amendment Bylaw 2024 No. 7084.02" pass second reading; and
- 3) "Cemetery Bylaw Amendment Bylaw 2024 No. 7084.02" pass third reading.

- The advantages to supporting this option is that it would authorize the re-erection of the historic memorials, maximize plot utilization and adjust interment hours to reflect actual staff capacity.
- It would also provide the opportunity to move the fees and charges out of the regulatory bylaw and add them to the Fees and Charges Bylaw.

Option 2:

That Council provide alternate direction to staff.

SUMMARY POINTS

- The Cemetery Bylaw is overdue for an update to reflect current practices.
- New language is included to allow for the re-erection of 22 Commonwealth War Grave memorial markers.
- The Commonwealth War Graves Commission will care for these memorials in perpetuity.

ATTACHMENTS

ATTACHMENT A – B7084-02

ATTACHMENT B – B7084 with tracked changes

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