

CITY OF NANAIMO

BYLAW NO. 7084.02

A BYLAW TO AMEND “CEMETERY BYLAW 2009 NO. 7084”

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

Title

1. This bylaw may be cited as “Cemetery Bylaw Amendment Bylaw 2024 No. 7084.02”.

Amendment

2. “Cemetery Bylaw 2009 No. 7084” is hereby amended as follows:

- 2.1 By deleting the definition of “DIRECTOR OF ENGINEERING AND PUBLIC WORKS” and adding the following definition:

“GENERAL MANAGER, ENGINEERING & PUBLIC WORKS	Means a person duly appointed as such from time to time by the Chief Administrative Officer.
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- 2.2 By deleting all references to the “Director” or “Director of Engineering and Public Works” except within the “Minister” definition and replace them with “General Manager of Engineering and Public Works”.

- 2.3 By deleting the the words “MEMORIAL” or “MEMORIAL MARKER” in the definition section and replacing it with the following:

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

- 2.4 By deleting the definition of “MEMORIAL INSTALLATION PERMIT” and replacing it with the following:

“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
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- 2.5 By deleting the words “his or her” in the “NON-RESIDENT” and “RESIDENT” definitions and replacing with the word “their”.

- 2.6 By deleting sections 5.3, 5.4 and 5.5 and renumbering section 5.6 as 5.3.

- 2.7 By deleting reference to “Schedule “A” to this Bylaw” in sections 5.2, 6.1, 6.2, and 10.3 and replacing with “the City’s Fees and Charges Bylaw”.

2.8 By deleting section 6.3 and replacing it with the following:

“6.3 All fees set out in the City’s Fees and Charges 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 in accordance with the City’s Fees and Charges Bylaw.”

2.9 By deleting the words “City Hall” in section 7.2 and replacing them with “the Service and Resource Centre”.

2.10 By deleting the number “3” in section 7.2 and replacing it with “five (5)”.

2.11 By deleting section 7.3 and replacing with the following:

“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;
- (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;
- (e) the time and date of the funeral;
- (f) the name and mailing address of a person who had a kinship relationship with the deceased;
- (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.”

2.12 By deleting Sections 7.4 through 7.9 and replacing them with the following:

“7.4 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*.

7.5 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 in the City’s Fees and Charges Bylaw.
- (b) on a Sunday or any other Statutory Holiday without the written permission of the General Manager of Engineering and Public

Works except where necessary in order to comply with an order or direction of the Medical Health Officer.

- 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 General Manager of Engineering and Public Works is required and must be obtained prior to the unscheduled Interment, Disinterment or Exhumation taking place.
- 7.7 Where an Interment, Disinterment or Exhumation is performed in a Cemetery under subsection 7.6 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 the City's Fees and Charges Bylaw, if such fees have not already been paid to the City.
- 7.8 The person who must provide information under Section 7.7 of this Bylaw shall do so on the next regular scheduled working day following the Interment or Disinterment.
- 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."

2.13 By adding the following after section 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."

2.14 By deleting section 8.9 and replacing with the following:

“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 City’s Fees and Charges Bylaw.”

2.15 By deleting reference to “7.8” in section 9.4 and replacing it with “7.9”.

2.16 By deleting the reference to “Schedule A” in sections 10.3 and 10.4 and replacing with “the City’s Fees and Charges Bylaw”.

2.17 By deleting section 11 and replacing it with the following:

“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.

11.3 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 the City’s Fees and Charges 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.

11.4 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 11.4, 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.
- 11.5 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.
- 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.”

2.18 By deleting section 12.13 and replacing it with the following:

“12.13 All Interments shall be scheduled to take place between the hours of 10:00 AM and 2:00 PM, and a maximum of two (2) Ash Interments and one (1) Full Interment shall be permitted and scheduled on any one day unless otherwise approved by the General Manager.”

2.19 By deleting section 13 and replacing it with the following:

“13. Penalty and Violations

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.

2.20 By deleting Schedule “A”.

3. Effective Date

This Bylaw comes into effect on 2025-JAN-01.

PASSED FIRST READING: 2024-NOV-04
PASSED SECOND READING: 2024-NOV-04
PASSED THIRD READING: 2024-NOV-04
ADOPTED: _____

MAYOR

CORPORATE OFFICER