

DISTRICT OF MACKENZIE

BYLAW NO.1385

**A bylaw to regulate the operation and
maintenance of the Mackenzie Cemetery.**

WHEREAS Section 716 of the Local Government Act provides that Council may by bylaw regulate the operation and maintenance of a cemetery;

AND WHEREAS the Council of the District of Mackenzie has established itself as a Board of Cemetery Trustees;

AND WHEREAS the Council of the District of Mackenzie in open meeting assembled, enacts as follows:

1. This bylaw may be cited as "Cemetery Bylaw No. 1385, 2018".
2. Bylaw No. 1065, cited as "Cemetery Bylaw No. 1065, 2000", and all amendments are hereby repealed.
3. In this bylaw, unless the context otherwise requires:

Caretaker shall mean the person or persons duly appointed or employed by the Council to act as Caretaker or Caretakers of the Cemetery of the District of Mackenzie;

Cemetery shall mean and include any parcel or tract of land set aside, used, maintained or operated as a cemetery by the District of Mackenzie;

Corporate Officer shall mean the person duly appointed as such from time to time by the Council;

Council shall mean the Council of the District of Mackenzie;

Cremated Remains shall mean the ashes resulting from cremation of a deceased human body;

District shall mean the District of Mackenzie;

Mayor shall include the Acting Mayor;

Minister shall mean that member of the Executive Council charged by Order of the Lieutenant-Governor in Council with administration of the Cemeteries Act and includes a person designated in writing by the Minister;

Resident shall mean a person who, at the time of death, has resided in the District of Mackenzie for a period of six months prior to death, or owns property within the District of Mackenzie;

Non-Resident shall mean a person who, at the time of death, has not resided in the District of Mackenzie for a period of six months prior to death, or who does not own property within the District of Mackenzie;

Chief Financial Officer shall mean the person duly appointed as such from time to time by Council.

The use of words signifying the masculine shall include the feminine.

LEGAL DESCRIPTION

4. The following lands have been set aside, operated, used and maintained as a cemetery by the District:

Name: "Mackenzie Cemetery"

Legal Description: District Lot 4897, Cariboo District

5. A copy of the plans of the cemetery shall be filed with the Minister and copies shall also be kept available for public inspection in the Municipal Office and at such other places as may be deemed necessary.

LICENCE TO USE THE CEMETERY

6. The Council may by agreement with a society, church or other organization reserve a section of the cemetery to be used exclusively for the interment of deceased members of the society, church, or other organization concerned, and upon such an agreement being made no person shall be issued with a licence to use grave space in the reserved section, unless his application to the District to purchase a licence is accompanied by a certificate from the society, church or organization concerned, stating that he, or the person on whose behalf he may be acting, is entitled to burial in the reserved section. All licences shall be subject to payment at the regular rates set forth in the schedule of rates attached hereto as Schedule C.
7. The Council may grant to any person paying the fees therefore, according to the scale of fees hereinafter provided and subject to the terms of Section 6 hereof, a licence for the exclusive use by him or his executors or administrators, of any one or more grave spaces which may be vacant and unlicensed in the cemetery, and upon payment of said fee therefore, such person or persons shall be entitled to receive a licence in the form of Schedule A attached hereto and forming a part of this bylaw.
8. The Council reserves to itself the right to refuse to sell the use of more than four grave spaces to any one individual.
9.
 - (a) If the holder of a licence to use and occupy grave space in the cemetery shall at any time desire to dispose of or transfer to another person his right to use and occupy grave space in the cemetery he shall first furnish the Corporate Officer full particulars of the name, address, occupation or other description of the person to whom such disposal or transfer is desired to be made, and the consideration to be paid therefore.
 - (b) If the licence to be transferred relates to a grave space located in an area reserved under an agreement made between the Council and an organization pursuant to Section 6 hereof, the requirements of said Section 6 concerning entitlement to burial in a reserved section of the cemetery shall apply to the person to whom the transfer is to be made.

- (c) Upon receipt of the transfer fee prescribed in Schedule C to this bylaw and upon compliance with the requirements of this bylaw by the licence holder and the person to whom the licence is to be transferred, the Corporate Officer shall effect the desired transfer by an endorsement upon the licence to that effect, and shall record the same in the books or other records kept by him for that purpose.
10. All licences issued for use of grave space in the cemetery shall be subject to the provisions of this bylaw and all bylaws now or hereafter to be passed by the Council.

FEES AND CHARGES

11. (a) The fees for interment, disinterment, use of grave space and care of graves, and the charges for goods offered for sale by the District for use in the cemetery, and any other cemetery fees shall be those set out in Schedule C attached hereto and forming a part of this bylaw.
- (b) The fees set out in Schedule C to this bylaw shall be paid at the District's offices at the time of application for a licence and at the time of purchasing any goods or services sold by the District in connection with the operation of the cemetery.
12. In cases of poverty, the Council may consider and decide on applications for the remission of fees in whole or in part, and in any such case the Council may remit such fees in whole or in part.

PERMISSION TO INTER, EXHUME AND CREMATE

13. The Corporate Officer is hereby authorized on behalf of the Municipality to grant a licence in the form set out in Schedule A hereof in respect of any unlicensed grave space in the cemetery, according to the scale of fees and charges specified in Schedule C of this bylaw and subject to the provisions of this bylaw.
14. The Corporate Officer shall issue all permits for interment required by this bylaw, except as otherwise provided herein.
15. Upon issuing any permits for interment in the cemetery, or upon viewing any order for exhumation from the proper authority as required by Section 22 hereof, the Corporate Officer shall notify the Caretaker before the time of the intended interment or exhumation, giving the name of the deceased and the number and location of the grave space concerned.
16. No body other than a deceased human body shall be interred in the cemetery and no interment of a body shall be made until a permit to inter the body has been obtained from the District and the fee for interment as specified in Schedule C hereof has been paid to the District except as permitted otherwise under the terms of Section 21.
17. All permits for interment of deceased persons in the cemetery shall be in the form of Schedule B attached hereto and forming a part of this bylaw.

18. All applications for a permit to inter in the cemetery must be made to the Corporate Officer at the District's offices between the hours of 8:30 am and 4:30 pm on all days of the week except Saturday, Sunday, statutory holidays, and in cases of emergency as described in Section 21.
19. Any person who makes application for an interment permit, or who requires an interment to be made, shall furnish the Corporate Officer a statement of the name, age, date of death of the deceased, date and time of funeral and such other information as may be reasonably required.
20. No person shall be granted a permit to inter in any area of the cemetery which has been reserved by the Council under the provisions of Section 6 hereof for the burial of members of a church, society, or other organization unless the applicant for such permit furnishes the Corporate Officer a certificate from the organization concerned stating that the deceased is entitled to burial in the area so reserved.
21. The body of any person who dies having an infectious disease, as designated by the Medical Health Officer, must be interred within thirty-six (36) hours after death occurs; and the Medical Health Officer shall furnish the Corporate Officer or any person acting for him, with definite instructions respecting interments in such cases, and the Cemetery Caretaker shall follow such instructions carefully and minutely in making such interments.
22. No deceased person interred in the cemetery shall be exhumed without a written order being first obtained from the proper authority in accordance with the requirements of the Cremation, Interment and Funeral Services Act and the presentation of such order to the Corporate Officer for his examination.
23. It shall be unlawful for any person to cremate or bury a deceased person within the limits of the District of Mackenzie save and except as authorized under the terms of the Cremation, Interment and Funeral Services Act and the regulations made thereunder.

INTERMENT IN THE CEMETERY

24. No body other than a deceased human body shall be interred in the cemetery and all interments shall be subject to and in compliance with the provisions of this bylaw.
25. The holder of a licence to use and occupy grave space in the cemetery shall not permit an interment to be made in the grave space to which the licence refers nor transfer or dispose of the said grave space to another person, group or organization unless such interment, transfer, or disposal is made pursuant to and subject to the provisions of this bylaw.
- “26. (a) Each interment in the cemetery, other than the interment of cremated remains, shall be made in a grave dug to provide not less than three (3) feet of earth between the top surface of the ground and the top surface of the grave liner enclosing the coffin or casket.
- (b) One interment of non-cremated remains is allowed in one grave space.
- (c) Each interment of cremated remains in the cemetery shall be made in a grave dug to provide not less than two (2) feet of earth between the top surface of the ground and the top surface of the grave liner enclosing the cremated remains container.
- (d) At the request of the Family, the burial of cremated remains can be in a regular interment plot to a maximum of six cremated remains and one regular burial in a regular “adult” size plot and each such interment shall comply with the requirement of subsection (c).
- (e) At the request of the Family, the burial of cremated remains can be in a cremation size plot with a maximum of four cremated remains and each such interment shall comply with the requirement of subsection (c).
- (f) A grave liner shall be used for each interment in the cemetery.
- (g) Each grave liner used shall be an approved grave liner and be sufficient to bridge the coffin, casket or cremated remains container over its entire length.

- (h) The applicant for an authorized additional interment in one grave space shall not be required to pay an additional grave space licence fee, but shall pay all other service fees as set out in schedule “C”.
27. No person shall inter any body in the cemetery except between the hours of 8:00am and 5:00pm.
28. No person shall inter any body in the cemetery on Saturday or Sunday or on any statutory holiday unless written permission of the Corporate Officer is first obtained except in the emergency conditions as specified in Section 21 hereof.
29. No grave shall be dug or opened by any person other than the Caretaker or a person duly authorized by the Caretaker or by the Corporate Officer.
30. No vaults or other methods of interment above ground level shall be permitted in the cemetery.

CEMETERY CARETAKER

31. A Cemetery Caretaker may be appointed by the Council, and the duties of a Caretaker so appointed shall be, among other things:
- (a) To dig and prepare, or cause to be dug and prepared, all graves required to be dug whenever ordered to do so by the Corporate Officer, or the person acting for him.
 - (b) To install all memorial tablet, markers, and monuments, etc. and construct all foundations for memorials, etc.
 - (c) To carry out, or cause to be carried out, the general work of the cemetery to maintain it in a neat and tidy condition including the maintenance of paths, gates, fences and other cemetery improvements.
 - (d) To maintain records and submit reports as required by the Corporate Officer.
 - (e) To complete such other work as may be directed by the Corporate Officer.

ADMINISTRATION AND CARE FUND

32. The Corporate Officer shall maintain records as necessary to the administration and management of the cemetery in accordance with the requirements of the Cremation, Interment and Funeral Services Act.
33. (a) A fund shall be established to be known as the "Cemetery Care Fund" and such fund shall be administered in accordance with the requirements of the Regulations made under the "Cremation, Interment and Funeral Services Act" for the establishment and administration of a Cemetery Care Fund and in accordance with the procedures hereinafter set out.
- (b) The Chief Financial Officer shall pay all funds received for Cemetery Care Fund purposes to the Cemetery Care Fund, and there held pending investment as hereinafter provided.
- (c) On all licences for use of grave space sold on and after the date of adoption of this bylaw, the Chief Financial Officer shall pay into the Cemetery Care Fund from the amount received for each licence sold at the fee specified in Schedule C hereof, that amount specified in Schedule C hereof to be paid into the Cemetery Care Fund, except in those cases where a different amount is approved by the Minister.
- (d) On all licences for the use of grave space, and on all contracts or agreements for the sale of such licences, the amount required to be used for Cemetery Care Fund purposes shall be specified, provided that the amount so specified shall not apply

to grave space made available by the District free of charge for indigent burial.

- (e) Any owner of a memorial marker, tablet, or memorial and curbing desiring to install same in the cemetery after the date of adoption of this bylaw, shall pay to the Corporate Officer prior to the installation of such memorial, or memorial and curbing, that amount specified in Schedule C hereof to be paid by the Chief Financial Officer into the Cemetery Care Fund for investment as hereinafter provided.
 - (f) Investment of funds received for Cemetery Care Fund purposes shall be made as required by the regulation under the "Cremation, Interment and Funeral Services Act".
 - (g) The income from the "Cemetery Care Fund", including any appreciation thereof, shall be used for the sole purpose of upkeep and maintenance of the property licensed and the cemetery of which it forms a part.
 - (h) The principal sum of the "Cemetery Care Fund" shall not be reduced otherwise than in accordance with an order of the Minister made pursuant to the regulations under the "Cremation, Interment and Funeral Services Act".
34. A record of all monies received under the provisions of this bylaw and of all monies expended hereunder shall be kept by the Chief Financial Officer and any surplus remaining of receipts over expenditures 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 District in accordance with the provisions of the "Local Government Act" and the interest derived from such investment shall be expended on the upkeep and the development of the cemetery.

MEMORIALS

35. On and after the date of adoption of this bylaw, no person shall place on any grave space in the cemetery a memorial marker or tablet or a memorial and curbing until the amount required has been paid to the Corporate Officer for Care Fund purposes in respect of each memorial, or memorial and curbing which it is desired to install.
36. No grave or grave space in the cemetery shall be defined by a fence, hedge or railing, and no memorial other than the type of memorial specified in Sections 38, 39 and 40 may be installed on a grave in the cemetery.
37. No memorial shall be installed on a grave in the cemetery which is not of the tablet variety or of an upright variety, made of stone or bronze or any other durable material that the Council of the District of Mackenzie may approve.
38. An upright memorial must be fixed upon a four feet square concrete base and have a minimum clearance of ten (10") inches from the sides and a maximum thickness of six inches. An upright memorial must not exceed the maximum height of thirty-six (36") inches.
39. All memorial tablets must conform to the following:
- (a) Each memorial tablet shall be installed in a position on the grave according to that established by the District for memorials on graves in the cemetery and shall have its top surface set level and flush with the surface of the surrounding ground.
 - (b) Each bronze or any other durable material memorial tablet shall be attached to a concrete base not less than four (4") inches thick with side surfaces true and perpendicular with the top surface of the attached tablet.
 - (c) Each stone memorial tablet shall be not less than four (4") inches thick and shall have its side surfaces true and perpendicular with its top surface.
 - (d) Except as permitted in subsection (e) the top surface of memorial tablets and concrete bases on any sized grave may be installed to within six (6") inches of the

boundary of each grave space.

- (e) A memorial tablet smaller than its concrete base may be installed on a grave provided that the part of the concrete base exposed as a border surrounding the tablet is not wider than two (2") inches, is the same width on each side of the tablet, and has a smooth surface slightly bevelled to allow the water to run off from the outer edges.
40. One memorial tablet or upright memorial only per interment may be installed on each grave, but where it is desired to memorialize on one memorial two related persons buried side by side in adjacent graves, one memorial which provides for such dual memorialization may be used instead of two separate memorials provided it is set to embrace evenly the two graves concerned. Provided that it does not exceed the boundary requirements as indicated in Section 39.(d).

GENERAL PROVISIONS

41. Cut flowers, wreathes and floral offerings may be placed on graves but may be removed by the Caretaker when their condition is considered by him to be detrimental to the beauty of the cemetery.
42. No person shall plant, remove, cut down or destroy any trees, shrubs, plants, flowers, bulbs or rocks in the cemetery other than an employee of the District authorized to do so.
43. All persons are prohibited from damaging or defacing any memorial, fence, gate, or structure in the cemetery, or any improvements in the cemetery.
44. No person shall enter the cemetery in a vehicle after sunset, or drive a vehicle in the cemetery at any time at a speed of more than 10 miles per hour, and all vehicles and their drivers while in the cemetery grounds shall be subject to the directions and orders of the Caretaker.
45. No person shall solicit orders for markers, tablets, memorials, curbing, cappings, or like works within the limits of the cemetery.
46. All persons and funeral processions in the cemetery shall obey the reasonable instructions of the Caretaker, but any person not behaving with proper decorum within the cemetery, may be evicted there from by the Caretaker.
47. The discharging of firearms, other than in regular volleys at burial services, is prohibited in the cemetery.
48. Any person who wilfully destroys, mutilates, defaces, injures or removes any memorial marker or other structure placed in the cemetery, or any fence, railing or other work for the protection or ornament of the cemetery, or wilfully destroys, cuts, breaks or injures any shrub or plant, or plays at any game or sport, or discharges firearms (save at military funeral), or who wilfully or unlawfully disturbs persons assembled for the purpose of burying a body therein, or who commits a nuisance, or at any time behaves in an indecent and unseemly manner, or deposits any rubbish or offensive matter or thing in a cemetery, or in any way violates any grave, or memorial marker or other structure within the same, shall be guilty of an infraction of this bylaw, and liable to the penalties hereof.
49. The cemetery shall be deemed open from sunrise to sunset every day. Any person in the cemetery without special permission of the Caretaker, between sunset and sunrise, shall be deemed guilty of an infraction of this bylaw and liable to the penalties hereof.
50. Every person who violates any of the provisions of this bylaw or who permits any act or thing to be done in contravention or in violation of any of the provisions of this bylaw, or who neglects to do or refrains from doing anything required to be done by any of the provisions of the bylaw, or who does any act which violates any of the provisions of this bylaws shall be guilty of an offense punishable on summary conviction and shall be liable to a fine of not more than \$2,000.00 or to imprisonment for not more than six months, or to both, the penalties being enforced and the fines and costs being recoverable upon summary conviction in the manner provided by the Offence Act.

49. Notwithstanding anything herein contained, the administration of the cemetery shall be carried out at all times in accordance with the Cremation, Interment and Funeral Services Act and regulations made thereunder.

READ a first time this ____ day of ____, 2018.

READ a second time this ____ day of ____, 2018.

READ a third time this ____ day of ____, 2018.

RECONSIDERED AND ADOPTED this ____ day of _____, 2018.

I hereby certify the foregoing
to be a true and correct copy
of District of Mackenzie
Bylaw No. 1 cited as
"Cemetery Bylaw No. 1385,
2018."

Mayor

Corporate Officer

Corporate Officer

SCHEDULE A

BYLAW NO. 1385

Cemetery Licence

Permission is hereby granted to _____

(name of Licencee)

of _____

(address)

having paid the sum of \$ _____, being the fee for use of Grave Space No. _____

of Block _____ in the Mackenzie Cemetery for the

purpose of interment and in accordance with and subject to the bylaw for the regulation of the Mackenzie cemetery.

In granting this licence to _____,
(name of Licencee)

the District of Mackenzie undertakes to maintain a Cemetery Care Fund for maintenance of the grave space herein described and the cemetery of which it forms part, and will set aside \$ _____ in trust within the present calendar year for deposit to the Cemetery Care Fund.

Dated this _____ day of _____, 2018.

Corporate Officer,
District of Mackenzie

The Licencee is hereby notified in accordance with the terms of the regulation under the Cremation, Interment and Funeral Services Act that memorial markers made only of stone or bronze are permitted in the Mackenzie Cemetery and that prior to the installation of a memorial marker on the above licenced grave space \$ _____ will be set aside for deposit to the Cemetery Care Fund.

I hereby agree to accept the above written licence upon the terms and subject to the conditions above expressed.

Signature of Licencee

SCHEDULE B

BYLAW NO. 1385

Interment Permit

To the Caretaker of the Mackenzie Cemetery:

Permission is hereby given to _____

(Name of Licencee)

to have the remains of _____, interred in

(deceased person)

Grave Space No. _____ of Block _____ in the Mackenzie Cemetery, on

the ____ day of _____, 2 ____, at _____ o'clock.

REMARKS _____

Dated this ____ day of _____, 2 ____.

Corporate Officer
District of Mackenzie

SCHEDULE "C"

BYLAW NO. 1385

To the "Cemetery Fees" bylaw no. 1385, 2018 of the District of Mackenzie.

Cemetery Fees

<u>Grave Space Licence Fees</u>	<u>Cemetery Fees</u>	<u>Care Fund Contribution</u>	<u>Total</u>
Adult Size			
Resident	\$300.00	\$100.00	\$400.00
Non Resident	\$375.00	\$125.00	\$500.00
(* Resident Veteran Rate)	\$225.00	\$75.00	\$300.00
Child Size (2 to 14 years of age)			
Resident	\$225.00	\$75.00	\$300.00
Non Resident	\$337.50	\$112.50	\$450.00
Infant Size (less than 2 years of age)			
Resident	\$150.00	\$50.00	\$200.00
Non Resident	\$187.50	\$62.50	\$250.00
Cremated Remains Size			
Resident	\$93.75	\$31.25	\$125.00
Non Resident	\$112.50	\$37.50	\$150.00
(* Resident Veteran Rate)	\$75.00	\$25.00	\$100.00
<u>Grave Liner Fees</u>			
Adult Size	\$350.00	N/A	
(* Veteran Rate - Adult Size)	\$262.50		
Child Size	\$250.00		
Infant Size	\$200.00		
Cremated Remains Size	\$125.00		
(* Veteran Rate - Cremated Remains Size)	\$100.00		
<u>Opening and Closing Grave Fees for Burial</u>			
Adult Size	\$250.00	N/A	
(* Veteran Rate - Adult Size)	\$187.50		
Child Size	\$150.00		
Infant Size	\$100.00		
Cremated Remains Size	\$125.00		
(* Veteran Rate - Cremated Remains Size)	\$100.00		
<u>Opening and Closing Fees for Exhumation</u>			
Adult Size	\$450.00	N/A	
(* Veteran Rate - Adult Size)	\$337.50		
Child Size	\$275.00		
Infant Size	\$225.00		
Cremated Remains Size	\$125.00		
(* Veteran Rate - Cremated Remains Size)	\$100.00		
Deeper depth to permit second burial in same grave	\$200 extra	N/A	
Burials on Saturday, Sunday, or Statutory Holidays	\$300 extra	N/A	
Transfer of Licence	\$75.00	N/A	
Installation of memorials	\$150.00	\$50.00	\$200.00

NOTE: GST is charged extra on all cemetery fees and services