

CORPORATION OF THE CITY OF NEW WESTMINSTER



CEMETERY BYLAW NO. 7068, 2006

EFFECTIVE DATE: February 6, 2006

CONSOLIDATED FOR CONVENIENCE ONLY
(May 9, 2013)

This is a consolidation of the bylaws listed below. The amendment bylaws have been combined with the original bylaw for convenience only. This consolidation is not a legal document. Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaws on this subject.

AMENDMENT BYLAW

EFFECTIVE DATE

No. 7363, 2009 (Sch B)
No. 7434, 2010 (Sch B)
No. 7561, 2012 (Sch B)
No. 7582, 2013

December 14, 2009
November 29, 2010
November 13, 2012
March 4, 2013

The bylaw numbers highlighted in this consolidation refer to the bylaws that amended the principal Bylaw No. 7068, 2006. The number of any amending bylaw that has been repealed is not referred to in this consolidation.

Obtainable from the Legislative Services Department

CORPORATION OF THE CITY OF NEW WESTMINSTER

BYLAW NO. 7068, 2006

A Bylaw to regulate the maintenance and operation of the Cemeteries owned by the City of New Westminster; to regulate the interment or other disposition of the dead therein; to prohibit the violation of such cemeteries and the vault, monuments, gravestones and graves contained therein; to establish the terms and conditions under which and the fees for which persons may acquire the right to make use of lots therein; and to establish, set aside and maintain a Care Fund all in pursuance of section 8(3)(f) of the *Community Charter*.

The Council of the City of New Westminster, in open meeting assembled,
ENACTS AS FOLLOWS:

PART I – INTERPRETATION

1. Interpretation

1.1 Bylaw No. 7068, 2005 may be cited as “Cemetery Bylaw 7068, 2006”.

1.2 Words or phrases defined in the British Columbia *Interpretation Act*, the *Cremation, Interment and Funeral Services Act* and its regulations, the *Business Practices and Consumer Protection Act* and its regulations, the *Community Charter* or *Local Government Act* or any successor legislation, shall have the same meaning when used in this Bylaw unless otherwise defined in this Bylaw.

1.3 In this Bylaw:

“**Administrator**” means the Manager of Engineering Operations of the City of New Westminster who shall be the Cemetery Administrator and the person duly appointed from time to time to fill that position;

“**Board**” means the Board of Cemetery Trustees established in accordance with the provisions of section 37 of the *Cremation, Interment and Funeral Services Act*, whereby Council establishes itself as a board of cemetery trustees to own and operate the Cemetery with all such power and authority as is necessary to permit the Board to own and operate the Cemetery, including, without limitation, the power from time to time to appoint the Administrator and to do all other acts necessary to give effect to this Bylaw;

“**Board of Health**” means the Board of Health of the Council, duly appointed from time to time as such by the Council;

“**Care Fund**” means the fund established and maintained by the City for the care and maintenance of the Cemetery;

“Caretaker” means the person or persons duly appointed from time to time as caretaker or caretakers of the Cemetery;

“Cemetery” means those lands known as the Fraser Cemetery and legally described as: Parcel Identifier: 013-208-110 Parcel “A” (Explanatory Plan 4430) of the North Half of Lot 17 Suburban Block 3 Plan 2620; Parcel Identifier: 013-208-098 North Half of the North Half of Lot 17 Suburban Block 3 Plan 2620 being 165.975 feet on Western Boundary and 165.975 feet on the Eastern Boundary of Lot; Lot 18 PT, NWD Group 1 Plan 2620; Parcel Identifier 013-208-136 Parcel “B” (Reference Plan 5439) Lots 17 and 18 Except: Parcel “One” (Reference Plan 6275), Suburban Block 3 Plan 2620; NWD Group 1, Plan 2620; LT 1, NWD Group 1, Plan 2620 and any land hereafter acquired by the City and set apart for use as a place of burial of human remains or cremated remains;

“City” means the Corporation of the City of New Westminster;

“City Clerk” means the person duly appointed as such from time to time by the Council, or their delegate;

“Columbarium” means an above ground structure for the inurnment of cremated remains;

“Council” means the Council of the City;

“Director of Engineering” means the person duly appointed as the Director of Engineering of the City from time to time, or his delegate;

“Director of Finance and Information Technology” means the person duly appointed as the Director of Finance and Information Technology for the City from time to time by the Council or their delegate;

“Inurnment” means the interment of cremated remains in a columbaria niche;

“Lawn Sections” means the following portions of the Cemetery:

- (a) the West Half (W1/2) of the South Half (S1/2) of Lot Nineteen (19), Suburban Block Three (3);
- (b) the South Half (S1/2) of the North Half (N1/2) of Lot Seventeen (17), Suburban Block Three (3); and
- (c) Parcel “B” of Lots Seventeen (17) and Eighteen (18), Suburban Block Three (3);

“License” means a license issued by the City granting the right of interment in a grave space subject to the issuance of an interment permit;

“Lot” means a space that is

- (a) in a place of interment, and
- (b) intended to be used for the interment of human remains or cremated remains under an Interment Right and Preneed Services Contract, as prescribed by the City, or used for the interment of human remains or cremated remains

and includes a grave, crypt, niche, full burial plot or cremation plot;

“Medical Health Officer” means the person duly appointed from time to time by the Council to act as Medical Health Officer for the City;

“Memorial” means:

- (a) a tombstone, monument, memorial tablet, plaque or other marker on a lot, or
- (b) an inscription or ornamentation on a crypt or niche front, used to identify a lot or memorialize a deceased person or stillborn child;

“Monument” means a Memorial which extends vertically above the surface of the surrounding ground;

“Niche” means a space in a columbarium for the inurnment of cremated remains defined or designated by means of a number for single columbaria or a small letter of the alphabet in a family columbaria;

“Resident” means a resident of the City of New Westminster for the preceding 3 months;

“Urn” means any receptacle used for or intended to be used to contain the cremated remains of one person

Bylaw No. 7582, 2013

“Fees and Rates Bylaw” means the current *City Fees and Rates Bylaw No. 7552, 2013* as amended by Council from time to time.

1.4 In this Bylaw, unless the context otherwise requires, the singular shall include the plural and the masculine includes the feminine gender.

1.5 The headings contained in this Bylaw are for convenience only and are not to be construed as defining, or in any way limiting, the scope or the intent of the provisions of this Bylaw.

1.6 If any portion of this Bylaw is for any reason held invalid by any court of competent jurisdiction, the invalid portion shall be severed and the severance shall not affect the validity of the remainder.

1.7

PART II – LAND USE

2. Land Use for Cemetery Purposes

- 2.1 The Cemetery shall be set apart and used as a place of burial of human remains or cremated remains and for purposes incidental and ancillary thereto, and for no other purposes whatsoever.
- 2.2 The following portions of the Cemetery, as identified on the map of the Cemetery attached to and forming part of this Bylaw as Schedule “A”, shall be reserved and set aside to be used solely for the burial of infants of the age of thirteen (13) years and under:
- (a) a strip lettered IVA consisting of 78 graves numbered 1 to 78 inclusive, lying between Ranges 3A and 4, running North and South;
 - (b) a strip lettered VA consisting of 78 graves numbered 1 to 78 inclusive, lying between Ranges 5 and 6A, running North and South; and
 - (c) Ranges 9, 16, 24 and 31 in the New Lawn Section of the Church of England.

PART III – RIGHTS OF INTERMENT

3. Interment Right and Preneed Services Contract

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- 3.1 Every person who wishes to acquire the exclusive right of interment for one or more lots in the Cemetery shall enter into an Interment Right and Preneed Services Contract, as prescribed by the City, and pay the applicable charge prescribed for that purpose in the Schedule of Rates in the *Fees and Rates Bylaw* and forming part of this Bylaw.
- 3.2 The Caretaker and/or Administrator is authorized to enter into an Interment Right and Preneed Services Contract, as prescribed by the City, on behalf of the City, and issue an Interment Permit on behalf of the City;
- 3.3 The Board reserves the right to refuse to sell a right of interment for the use of more than two plots to any one individual.

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- 3.4 Subject to section 3.5, a holder of a right of interment in the Cemetery may transfer the right of interment to another person upon application to the Caretaker or Administrator setting forth full particulars as to the name and address of the person to whom the transfer is to be made, proof of right of interment for the lot and payment of the transfer fee prescribed in the *Fees*

and Rates Bylaw. The Caretaker or Administrator shall endorse the transfer on the face of the Interment Right and Preneed Services Contract, as prescribed by the City, or on the original copy of the Cemetery License and record it in the City's records kept for that purpose.

3.5 The proof of a right of interment is the original only.

4. Interment and Funeral Arrangements

4.1 All funeral arrangements concerning the Cemetery shall be made and carried out in strict compliance with the requirements of this Bylaw and all other applicable bylaws, statutes and regulations and the directions of the Caretaker or Administrator.

4.2 Every person wishing to obtain interment and other cemetery services for a deceased person shall:

(a) make application at the office of the Caretaker or Administrator between the hours of 7:30 a.m. and 4:00 p.m., Monday through Friday, setting forth a statement of the name, age, date of death of the deceased, cause of death, proposed date and time of interment, and such other information as may be required;

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(b) pay the applicable interment charge prescribed in the Schedule of Rates in the *Fees and Rates Bylaw*; and

(c) obtain an Interment Permit from the City and enter into an Interment Right and Preneed Services Contract, as prescribed by the City, with the City, at least twenty-four (24) hours before the scheduled interment except in the case of the interment of a person who dies having an infectious disease.

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4.3 In addition to the interment charge prescribed in the *Fees and Rates Bylaw*, where interment is to be in a lot sold prior to the inception of the Care Fund, a perpetual maintenance fee shall be paid as prescribed in the *Fees and Rates Bylaw* for deposit into the Care Fund.

4.4 The Caretaker must not carry out an interment until such time as the Caretaker is in possession of the burial permit or certificate of cremation received by the City as required under sections 22 and 23 of the *Vital Statistics Act*.

4.5 Except in the case of infectious disease or other special circumstances, no interment shall take place on Sundays or on any of the following statutory holidays: Christmas Day, Boxing Day, New Year's Day, Good Friday,

Easter Monday, Canada Day, Victoria Day, British Columbia Day, Labour Day, Thanksgiving Day, Remembrance Day, or any other declared holiday.

- 4.6 Interments may only be carried out between the hours of seven-thirty (7:30) o'clock in the forenoon and four (4) o'clock in the afternoon.

5. Exhumation, Disinterment and Removal of Human Remains

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- 5.1 Any person requiring the exhumation, disinterment or removal of human remains from the place they are interred in the Cemetery must make application to Caretaker or Administrator and pay the applicable charges prescribed in the *Fees and Rates Bylaw*.
- 5.2 Every such exhumation, disinterment or removal of human remains shall be strictly subject to and in accordance with the restrictions and requirements of the *Cremation, Interment and Funeral Services Act* and regulations thereto.

6. Restrictions on Interments

- 6.1 Interments and lot maintenance shall be carried out by City employees except where otherwise specified in this Bylaw.
- 6.2 When one or more interments are made in the same lot, the last interment shall be at least three (3) feet below the surface of the ground.
- 6.3 The maximum number of interments in a lot is as follows:
- (a) in the case of a full burial lot, one (1) interment in a single depth plot, and two (2) interments in a double depth plot; and
 - (b) in the case of cremated remains, six (6) interments in a single depth plot, and two (2) interments in a cremation plot.
- 6.4 An adult lot shall be at a minimum depth of six (6) feet unless specified as a double depth lot in which case the minimum depth of the first interment shall be eight (8) feet.
- 6.5 No interment after the first interment in any one lot shall be made so as to disturb or disinter the remains of a deceased person from the first interment.
- 6.6 Subject to Section 6.7, the remains of any person who dies having an infectious disease must be interred within thirty-six (36) hours after death occurs.

- 6.7 Where a person dies having an infectious disease, the Medical Health Officer shall furnish the Caretaker with instructions governing interment of that person's remains, and the Caretaker or duly authorized assistant acting on his behalf shall follow such instructions in carrying out interment.
- 6.8 The following are considered infectious diseases for the purposes of this Bylaw:
- (a) smallpox;
 - (b) Asiatic cholera;
 - (c) diphtheria;
 - (d) typhus fever;
 - (e) anthrax;
 - (f) scarlet fever;
 - (g) bubonic plague;
 - (h) epidemic cerebro spinal meningitis;
 - (i) poliomyelitis; and
 - (j) any other disease as may hereafter be designated as an infectious disease by the Board of Health or the Medical Health Officer.
- 6.9 Each inurnment in a niche shall comply with the following restrictions:
- (a) Each inurnment in a niche, except those of sufficient size in a family columbarium, shall contain a maximum of one urn or other container, the maximum outside dimensions of which shall not exceed 9 1/2" x 9 1/2" x 9 1/2".
 - (b) Each niche containing an urn shall be sealed with an inner cover plate in addition to the granite face memorial marker supplied by the City.
 - (c) All cremation interments/inurnments shall be enclosed within a container that may be an urn.

PART IV – MEMORIALS

7. Monuments

- 7.1 No person may erect a Monument in the Cemetery without first making application and obtaining a permit from the Caretaker or Administrator.
- 7.2 Every application for a permit to erect a Monument shall include a sketch of the proposed Monument in a form and with detail satisfactory to the Director of Engineering.
- 7.3 The Caretaker must designate the place where implements or materials used in excavating, erecting or setting Monuments are to be placed during the course of an excavation, erection or setting.
- 7.4 One week's notice must be given to the Caretaker before any Monument or Memorial may be placed in position.

8. General Requirements for Memorials

- 8.1 No person shall place or cause to be placed in any portion of the Cemetery any marker, tablet, monument, plaque or other Memorial except as permitted under this Bylaw and under the direction of the Caretaker as to location.
- 8.2 A Monument or other Memorial may be installed on a lot in the Cemetery, provided that:

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- (a) the charges prescribed in the *Fees and Rates Bylaw* for a memorial tablet foundation and maintenance fund are first paid to the City; and
- (b) the Memorial conforms to the following specifications and requirements:
- (i) Monuments must be made of granite and shall be set upright on a hammered granite base installed with its top surface level and flush with the surrounding ground, and such base shall extend horizontally beyond each vertical side of the monument a distance of six (6) inches;
 - (ii) no Monument and base shall cover an area exceeding one-sixth (1/6th) of the area of the lot on which the Monument and base are installed;
 - (iii) memorial tablets shall be made of bronze as permitted by subsection (vi) and (vii), or made of granite four inches (4") thick;

- (iv) memorial tablets shall be set horizontally in a central position on a four (4) inch thick granite base installed in the ground with its top surface level and flush with the lawn;
- (v) the top surface measurements of memorial tablets and their bases shall be the following:

		Top surface measurement of a memorial tablet	Base measurement of a memorial tablet
(A)	on a single grave in the Armed Forces, Infants & Ashes sections	12" x 20" Flush 10" x 18" Flush	No base No base
(B)	on a single grave	12" x 20"	20" x 28"
(C)	on a two grave plot	18" x 30"	30" x 42"
(D)	on a plot larger than two graves	24" x 36"	36" x 48"

- (vi) notwithstanding the requirements of subsections (iv) and (v), memorial tablets twelve inches by twenty inches (12" x 20") or ten inches by eighteen inches (10" x 18") may be installed without a base, provided that:
 - (A) granite tables four inches (4") thick are installed with the top surface level and flush with the ground, and
 - (B) bronze tablets are attached to a four inch (4") thick granite or concrete base of similar top surface size and installed with the top surface of the tablet and inscription level and flush with the ground;
- (vii) a bronze memorial plaque may be attached to the top surface of a granite tablet provided it is the same size as the top surface of the tablet;
- (viii) raised inscriptions are prohibited on granite tablets and bronze plaques but are permitted on bronze tablets set flush with the ground under the provision of subsection (vi);

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- (ix) concrete foundations, the charges for which are set out in the *Fees and Rates Bylaw* shall be constructed under a memorial tablet with base only by the Caretaker or his staff under his direction, so as to extend across the full width of the lot; and
- (x) the charges to be levied for the construction of a foundation for a Monument, being dependant upon the varying factors of weight, size and location of the Monument to be positioned thereon, shall be determined and payable upon the issue of the permit for its erection.

8.3 Where the intent is to inter up to and including six (6) cremated remains in a single plot, the plot owner must ensure that a 12" x 20" single flush-mounted marker replaces any other marker on the plot.

8.4 All columbarium memorial markers shall be:

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- (a) provided through the City and form part of the Niche Fee as specified in the *Fees and Rates Bylaw*;
- (b) in the English alphabet in addition to any other languages to ensure accurate record keeping by the City.

8.5 The Administrator reserves the right to reject any memorial marker which, in his opinion, is not in keeping with the dignity of the Cemetery.

PART V – PROHIBITIONS AND RESTRICTIONS

9. Prohibitions and Restrictions

9.1 No curbing may be installed around or within any lot.

9.2 No lot may be defined by fence, railing, coping, hedge or by any other marker except a memorial tablet or Monument as permitted under this Bylaw.

9.3 Boxes, shells, toys, wire screens, arbours, trellises, tripods or any other object of a like nature are prohibited on any lot.

9.4 No lot may be decorated with trees, shrubs or plants, but may be decorated by placing cut flowers.

9.5 No person shall

- (a) destroy, mutilate, deface, injure or remove from the Cemetery any tomb, Monument, gravestone, memorial tablet or other Memorial, fence, railing or other work or structure; or
 - (b) deposit any rubbish or offensive matter or thing in the Cemetery.
- 9.6 No person shall construct, install or use any surface burial vault or box in the Cemetery.
- 9.7 No person shall carry on any business or calling in the Cemetery.
- 9.8 The Caretaker may remove from a lot any tree or shrub which the Caretaker considers is injuriously affecting any lot or road adjacent to a lot.
- 9.9 No Monument or other Memorial or structure may be placed upon any lot unless its form complies with this Bylaw and its position on the lot has been approved by the Caretaker, and any Monument or other Memorial or structure so placed may be removed by the Caretaker upon the order of the Board.
- 9.10 No person may bring an animal into the Cemetery.
- 9.11 No person shall:
 - (a) break, remove or displace rocks in any rock work;
 - (b) use or drive a vehicle on any road, path or walk in the Cemetery for any purpose other than attending or conducting a funeral or visiting a lot; or
 - (c) drive a motor vehicle in the Cemetery at a speed in excess of twenty (20) kilometres per hour or upon or over any lot.
- 9.12 All vehicles or funeral processions on and after entering the Cemetery grounds shall be at all times subject to the direction and orders of the Caretaker.

PART VI – CARE FUND

10. Deposit, Investment and Use of Funds

10.1 The Director of Finance and Information Technology shall pay the following into the Care Fund:

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(a) 25% of the price, as prescribed in the *Fees and Rates Bylaw* of each right of interment received under an Interment Permit and an Interment Right and Preneed Services Contract, as prescribed by the City, and

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(b) the amount specified in the *Fees and Rates Bylaw* as payable to the Care Fund in respect of plots sold prior to 1933; and

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(c) the amount specified in the *Fees and Rates Bylaw* as payable to the Care Fund in respect of the construction and installation of a memorial tablet foundation.

10.2 Any money held by the City to the credit of the Cemetery Fund, together with interest earned on it, shall be credited to the Care Fund operated and maintained under this Bylaw.

10.3 Money deposited in the Care Fund, together with earned interest and dividend income, shall be held in a separate account with a savings institution and the City may use the interest and dividend income earned by the Care Fund only for the purpose of financing the care and maintenance services provided in respect of the Cemetery.

PART VII – GENERAL

11. Special Attention Charge

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11.1 Additional maintenance may be provided to any lot on application by any interested person and payment of the Special Attention Charge set out in the *Fees and Rates Bylaw*.

- 11.2 The additional maintenance provided in exchange for the receipt of the Special Attention Charge shall consist of soil replacement, grass reseeding and other special attention over a period of one year.

12. Hours of Closure

- 12.1 The Cemetery shall be closed for public entry and attendance from 8:00 o'clock in the afternoon until 7:30 o'clock of the following morning of each day.
- 12.2 The hours of public attendance shall be posted on a sign at the Cemetery entrance.
- 12.3 No person shall enter or remain in the Cemetery during the hours it is closed for public attendance without the special permission of the Caretaker.
- 12.4 Subject to section 12.3, any person found entering or remaining in the Cemetery during the hours it is closed for public attendance commits an offence under this Bylaw.

PART VIII – OFFENCE AND PENALTY

13. Offence

- 13.1 Every person who contravenes or violates any provision of this Bylaw, or who suffers or permits any act or thing to be done in contravention or in violation of any provision of this Bylaw, or who neglects to do or refrains from doing anything required to be done by any provision of this Bylaw, commits an offence and, upon conviction, shall be liable to a fine or penalty being one or more of the following:
- (a) a maximum fine of up to \$10,000;
 - (b) in the case of a continuing offence, for each day that the offence continues, a maximum fine of up to \$10,000;
 - (c) imprisonment for not more than 6 months.
- 13.2 Where, in this Bylaw, any matter or thing is required to be done by any person, in default of it being done by such person, the matter or thing may be done by the City at the expense of the person in default, and where works or services are provided to land or improvements, such expense may be recovered with interest at 3% over the bank prime rate, with costs, in like manner as City taxes.

PART IX – REPEAL

14. Repeal of Bylaws

- 14.1 Bylaw No. 4126 cited as the “Cemetery Bylaw 4126, 1966” and all amending bylaws thereto, are hereby repealed.

Bylaw received three readings on January 30, 2006 and adopted on February 6, 2006.

SCHEDULE "A"

MAP OF CEMETERY

BYLAW NO. 7582, 2013

Schedule B deleted