

THE CORPORATION OF THE VILLAGE OF LYTTON
Bylaw No. 610, 2009

CEMETERY BYLAW

A bylaw relating to the operation and maintenance of the cemeteries within the municipality.

The Council of the Corporation of the Village of Lytton in open meeting assembled enacts as follows:

1. This bylaw may be cited for all purposes as the “Village of Lytton Cemetery Bylaw No, 610, 2008”.
2. Definitions:
 - 1.1 “Cemetery” shall mean and include every parcel or tract of land set aside, used, maintained or operated by the Corporation of the Village of Lytton as a cemetery.
 - 1.2 “Child” means any person one year old up to and including the age of twelve.
 - 1.3 “**Corporate Officer**” means the **Corporate Officer** of the Village of Lytton as appointed.
 - 1.4 “Council” means the Municipal Council of the Village of Lytton.
 - 1.5 “Cremated Remains” means the remains resulting from cremation of a deceased human body.
 - 1.6 “Health Officer” means the Mayor or Deputy Mayor.
 - 1.7 “Infant” means any person up to the age of one year.
 - 1.8 “Municipality” means the Corporation of the Village of Lytton.
 - 1.9 “Non-Resident” means any person who does not live in, or who has been absent from the municipality for more than one year at the time of death.

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

3. Records:
 - 3.1 A copy of the plans of all cemeteries shall be filed with the **Business Practices and Consumer Protection Authority**, and copies shall also be kept available for public inspection in the Municipal Office and at such other places as may be deemed necessary.
 - 3.2 The Corporate Officer shall maintain records as necessary to the administration and management of the cemeteries and as required by **Part 4, Section 43 of the Regulations under the “Cremation, Interment and Funeral Services Act”**.
 - 3.3 The minimum records to be maintained by the Corporate Officer shall be in the form of a **Right of Interment and, if applicable, an Interment Authorization**, to include the name and age of the person, **next of kin**, location of the grave space, the fees paid, where interment is authorized, the date of death and date and method of disposition.
4. Right of Interment For Grave Space:
 - 4.1 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 **Right of Interment** to use grave space in the reserved section, unless his application to the Municipality to obtain a **Right of Interment** 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 **Rights of Interment and Permits to Inter** issued and services rendered by the Municipality under these conditions shall be subject to payment of the fees in effect at the date of application.

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- 4.2 Subject to Sections 4.1 and 5.3 hereof, the Corporate Officer shall grant to any person paying the fees in effect at the date of application, a **Right of Interment** for the exclusive use by him, or his executors or administrators, for a grave space which is vacant and **unreserved**. **The Right of Interment does not vest in the holder any title or interest in the land or plot but instead provides for the right to inter a person in the named plot.**
- 4.3 The Municipality reserves the right to refuse to sell the use of more than one grave space to any one person.
- 4.4 The Municipality reserves the right to allocate any grave space so applied for.
- 4.5 Where the holder of a **Right of Interment** wishes to transfer his right of use and occupancy of a grave space to another person he shall first provide the Corporate Officer with full particulars of the name, address and other description of the person to whom such transfer is to be made. The provision of such information shall not bind the Municipality to accept or permit the proposed transfer.
- 4.6 Where a **Right of Interment** transfer is requested and the grave space is located in a reserved area, the requirements concerning entitlement to burial shall apply to the person to whom the transfer is to be made.
- 4.7 Where a **Right of Interment** transfer is approved, the fees as set out in **Schedule "C" of Fees & Charges Bylaw 550, 2002** (which may be amended from time to time) shall be paid. Upon receipt of said fees, the Corporate Officer shall effect the desired transfer by endorsing the **Right of Interment**.
- 4.8 **A Right of Interment may be surrendered to the Village at the discretion of the Corporate Officer. A refund, equal to the original purchase price less the Cemetery Care Fund contribution, will be issued to the Rights Holder provided:**
- (a) **there are no interments in the designated plot;**
 - (b) **the Rights Holder or his executor provides written notice to the Village for intent to surrender the Right;**
 - (c) **any costs associated with the removal of any Memorial that is on, or embracing the surrendered plot, are paid.**
- 4.9 **Pursuant to section 25 of the Cremation, Interment and Funeral Services Regulation, upon prior approval of the Director, BCPCA, a Right of Interment may be reclaimed by the Village if:**
- (a) **the Rights Holder would be at least 90 years of age;**
 - (b) **a minimum period of 50 years has elapsed from the date of purchase;**
 - (c) **a minimum of 90 days has passed since notice of intent to reclaim has been sent;**
- and**
- (d) **the Village has made diligent attempts to contact the Rights Holder.**
5. Fees and Charges:
- 5.1 The fees for use of grave space, interment, exhumation, and care of graves and any other cemetery fees shall be those as set out in the **Fees & Charges Bylaw 550, 2002** which may be amended from time to time.
- 5.2 The fees shall be paid **at the time of purchase** to the Village Office. The only exceptions to this requirement will be in cases pursuant to Section 4.3 or 4.6 hereof.
- 5.3 In cases of indigent deceased persons, the grave space shall be provided free of charge on the certificate of a minister or clergyman, the Mayor, or Justice that the representative of the deceased cannot afford to pay for the space. In addition, the

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Council may consider and decide on applications for the remission of other fees in whole or in part, and in any such case Council may remit the fees.

6. Permit to Inter and Exhume:

- 6.1 No body or cremated remains of other than a deceased human body shall be interred in the cemetery. A Permit to Inter the body or cremated remains must be obtained from the Corporate Officer and the fee for the interment shall be paid as per Section 5 of this bylaw.
- 6.2 All Permits for interment in the cemetery shall be in a form similar to that of Appendix "A" of this Bylaw.
- 6.3 All applications for a Permit to Inter in the cemetery must be made to the Corporate Officer at the Village Office during regular office hours.
- 6.4 Any person who makes application for a Permit to Inter, or who requires an interment to be made, shall provide a notice of Registration of Death which shall include the name, age, and date of death of the deceased, and other information as may be required, such as the date and time of the funeral, and cause of death as certified by the coroner or duly qualified medical practitioner, **and a Burial Permit.**
- 6.5 No person shall be granted a Permit to Inter in an area of the cemetery, which has been reserved by the Council unless a **Right of Interment** can be issued as required in Section 4.1.
- 6.6 Where a person dies having an infectious disease, and must be buried within thirty-six (36) hours of death pursuant to the "Regulations for the Control of Communicable Diseases" and if the Municipal Office is closed, permission to inter must be obtained from the Health Officer, Justice or Coroner. In no case shall a person who dies having an infectious disease be buried without consent. As soon as possible after the Municipal Office is open, the person who performs an interment shall furnish the Corporate Officer full particulars of the interment, and the representative of the deceased shall obtain a Permit to Inter as required and pay the fees as required. Any instruction given respecting the interment of a person who died from a communicable disease designated by the Board of Health (smallpox, asiatic cholera, diphtheria, typhus fever, scarlet fever, anthrax, bubonic plague, epidemic cerebro spinal meningitis, poliomyelitis), shall be fully and carefully followed by those who perform the interment.
- 6.7 No deceased person interred in the cemetery shall be exhumed without a written order being obtained from the proper authority in accordance with the requirements of the "**Cremation, Interment and Funeral Services Regulation**" and the presentation of such order to the Corporate Officer.

7. Grave Space and Interment Regulations:

- 7.1 Each interment, other than the interment of cremated remains, shall provide for not less than one meter of earth between the upper surface of the casket or grave liner and the general surface level of the ground and the grave site.
- 7.2 Not more than two interments not in the form of cremated remains shall be permitted in any one grave space of a suitable size, and the first interment shall be buried at a lower depth than the second and each of the two burials shall conform to the requirements of Section 7.1 hereof.
- 7.3 Cremated remains must be in a sealed container, and must be interred so as to provide not less than 0.6 meters of earth between the upper surface of the container and the level of the ground surrounding the grave. If interred in a concrete container,

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- it may be at a depth where the container can be used as a base for a memorial marker placed in accordance with the requirements of Sections 8.2 hereof.
- 7.4 Not more than eight cremated remains shall be permitted in an adult size grave space or six cremated remains permitted over a previous burial, with each cremated interment conforming to the requirements of Section 7.3 hereof.
- 7.5 No interment shall be permitted except between the hours of eight o'clock in the forenoon and three o'clock in the afternoon, not on a Saturday, Sunday or statutory holiday excepting in the circumstances of Section 6.6 or the Corporate Officer so indicates on the interment permit.
- 7.6 No grave shall be dug, or opened by any person other than as authorized by Council.
- 7.7 Vaults, or other methods of interment above ground level, shall not be permitted in the cemetery.
- 7.8 The size of grave spaces shall be as follows:
- (a) Adult - 1.3m X 2.6m (4' X 8')
 - (b) Child - 1.3m X 2m (4' X 6')
 - (c) Infant - 1.3m X 1.3m (4' X 4')
 - (d) Cremated remains - 0.6m X 0.6m (2' X 2')
- 7.9 The ornamentation of a grave space shall be permitted as follows:
- (a) No hedge or other plantings shall be permitted;
 - (b) No railing or fence unless set in a concrete curbing shall be permitted;
 - (c) No permanent ornamentation to be placed on a grave space, including copings and those permitted in Section 7.9(b) shall not exceed 0.3 meters in height with the exception of memorials.
8. Memorials Regulations:
- 8.1 From the effective date of this Bylaw, a memorial shall not be placed for any grave until the fee for Cemetery Care Fund purposes in respect to each memorial has been paid to the Corporate Officer.
- 8.2 All memorials shall:
- (a) be installed on the grave space for which the licence has been obtained;
 - (b) be of natural stone, concrete or metal affixed to a concrete foundation which design shall be obtained from the Municipal Office.
9. General:
- 9.1 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**" and in accordance with the procedures hereinafter set out:
- (a) A bank account shall be established to be known as "The Cemetery Care Fund Account" into which the Corporate Officer shall deposit all funds received for Care Fund purposes and hold them pending investment as required in **Part 7 of the "Cremation, Interment and Funeral Services Act"**;
 - (b) From all **Rights of Interment** sold, the Corporate Officer shall pay into "The Cemetery Care Fund Account" from the amount received for each **Right of Interment** sold an amount for Care Fund Purposes;
 - (c) On all **Permits to Inter**, and on contracts or agreements for the sale of such **permits** the amount required for Care Fund purposes shall be specified;
 - (d) Any amount paid **for memorial installation** as required in Section 8.1 hereto shall be paid by the Corporate Officer into "The Cemetery Care Fund Account" for

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- investment as required under the “**Cremation, Interment and Funeral Services Act**”;
- (e) The income from the “Cemetery Care Fund” including any appreciation thereof, shall be used for the sole purpose of upkeep and maintenance of the cemetery to which it was collected for.
- 9.2 A separate account shall be kept by the Corporate Officer of all monies received under the provisions of this Bylaw and of all monies expended. 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 Fund”. This fund shall be invested by the Municipality in accordance with the provisions of the *Local Government Act*, and the interest derived from such investment shall be expended on the upkeep and development of the cemetery to which it applies.
- 9.3 The physical care and maintenance of the cemeteries may be by one or a combination of the following as reviewed from time to time:
- (a) A Cemetery caretaker appointed by Council;
 - (b) A Cemetery committee whose members are appointed by Council;
 - (c) The Municipal Works Department.
- 9.4 Where cut flowers, wreaths and floral offerings may be placed on graves, these may be removed by the person(s) specified in Section 9.3 when their condition is considered to be detrimental to the beauty of the cemetery.
- 9.5 Where the burial services are those of a military style, permission may be given for the discharge of firearms in regular volleys. In every other instance, the discharge of firearms in the cemeteries is prohibited.
- 9.6 No person shall:
- (a) place, remove, cut down or destroy any tree, shrub, bulb, plant, flower, or rock in the cemeteries other than as permitted in Section 9.4, excepting the person(s) specified in Section 9.3 or by permission of the Corporate Officer;
 - (b) damage or deface any memorial, monument, fence, gate, structure or improvement in the cemeteries;
 - (c) drive a vehicle in the cemeteries at any time at a speed of more than 8 km per hour, and the drivers, while in the cemetery grounds, shall be subject to the directions and orders of the person(s) specified in Section 9.3;
 - (d) solicit orders for markers, tablets, memorials, curbing, copings or like works within the limits of the cemeteries;
 - (e) disturb the quiet and good order of a cemetery at any time;
 - (f) enter into a cemetery unless between the hours of seven o'clock each morning and one hour before sunset each evening, during which hours the cemeteries shall be deemed to be open.
- 9.7 Any person who wilfully destroys, mutilates, defaces, injures, removes or violates in any way any tomb, memorial, gravestone or space, or other structure placed in or around a cemetery for the protection, ornamentation or other of a cemetery, or who wilfully destroys, cuts, breaks, or injures any shrub or plant or who plays at any game or sport, or who discharges firearms (save as permitted), or who wilfully or unlawfully disturbs persons 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 who is found in a cemetery during the hours it is closed shall be guilty of an infraction of this Bylaw and liable to the penalties hereof.
- 9.8 Any person guilty of an infraction or who commits an offence against this Bylaw is liable to a fine and penalty not exceeding three hundred (\$300.00) dollars and costs for

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each offence, or in default of payment, or in the alternative, to imprisonment for any period no exceeding five (5) months.

10. Repeal:
(a) Cemetery Bylaw No. 548, 2002 is hereby repealed.

READ A FIRST TIME this	14 th day of October, 2008.
READ A SECOND TIME this	14 th day of October, 2008.
READ A THIRD TIME this	9 ^h day of March, 2009.
RECONSIDERED AND ADOPTED this	23 th day of March, 2009.

signed 24 Mar 09
MAYOR

CORPORATE OFFICER

I hereby certify that the foregoing is a true and correct copy of the Corporation of the Village of Lytton Cemetery Bylaw No. 610, 2008

CORPORATE OFFICER