

HOLY FAMILY NOTRE DAME PARISH

A Bylaw to provide for the regulation, operation and maintenance of St. Peter's Cemetery, 6240 Moore Road, in Port Alberni, British Columbia.

The Pastor and the appointed Board of Cemetery Trustees of Holy Family Notre Dame Parish, in an open meeting assembled and upon a motion duly made, seconded, and carried, resolved that the following bylaw regulations are to be adopted as the regulations to govern the operation of St. Peter's Cemetery in Port Alberni, owned by Holy Family Notre Dame Parish (HFNDP), under the supervision of a Board to be known as Holy Family Notre Dame Parish, Board of Cemetery Trustees (HFND-BCT).

These Bylaws for St. Peter's Cemetery, Port Alberni, BC, are to regulate, operate and maintain the cemetery, and establish the fees, terms and conditions under which persons may acquire the right to make use of areas or lots in the cemetery, subject to the "*Cremation, Interment and Funeral Services Act*" of British Columbia, which was updated and enacted as of September, 2019.

The "*Cremation, Interment and Funeral Services Act*" of British Columbia (CIFSA) provides that every operator of a cemetery must make bylaws, including bylaws respecting the administration and operation of the cemetery, the rights, privileges and responsibilities of the operator, rates, charges and sizes, class and kind of memorials.

That the Pastor has established a Board of Cemetery Trustees in accordance with the "*Cremation, Interment and Funeral Services Act*" Section 38 (2).

1. Definitions

In this Bylaw terms defined in the "*Cremation, Interment, and Funeral Services Act*" and this Bylaw shall have that meaning unless expressly defined otherwise herein, and the following words have the meaning ascribed to them unless the context otherwise requires:

Administration Fee means fees levied to cover additional administrative costs associated with the issuance of a Transfer License with respect to a Right of Interment, or any other permit, pursuant to Section 4 (c) of this Bylaw. Where the Administration Fee is included in fees payable to "St. Peter's Cemetery", Holy Family Notre Dame Parish (HFNDP) will be reimbursed the fee from the operating funds of St. Peter's.

Administrator means the pastor or administrator of HFNDP, or a suitable designate.

Applicant means an individual who has made petition to HFNDP for a Right of Interment.

Care Fund means an irrevocable trust fund established, held and administered in accordance with CIFSA for the purpose of financing the future maintenance and care of a Cemetery or Columbarium

Caretaker means any person duly authorized by the Administrator to perform Interments and to care for and maintain the Cemetery.

Cemetery means "St. Peter's Cemetery" at 6240 Moore Street, being lands described as;

Cemetery Lot of District Lot 9 – City of Port Alberni, BC, Sub. Dist. 18

set apart or used as a place of burial of human remains or cremated remains, together with any incidental or ancillary buildings on the land.

Child means a person two (2) years of age up to and including fourteen (14) years of age.

CIFSA means the *Cremation, Interment and Funeral Services Act*, administered by the Administrative Authority, as may be amended or superseded from time to time and all regulations made thereunder.

Columbarium means a structure or building or an area in a structure or building that contains, as an integral part of the structure or building

or as freestanding sections, niches for the inurnment of cremated remains.

Control of Disposition means the authority to control the disposition of the Human Remains or Cremated Remains in accordance with Section 5 of CIFSA.

Cremated Remains means the human bone fragments that remain after cremation that may also include the residue or any other materials cremated with the Human Remains.

Disinterment means the removal of Human Remains along with the casket or container, or any remaining portion of the casket or container holding the Human Remains, from the Lot in which the Human Remains had been interred.

Exhumation means the exposure of interred Human Remains for viewing or for examination, whether in or removed from the Lot in which the Human Remains had been interred.

Family Member means a parent or stepparent, a grandparent or step grandparent, a sibling (natural, adopted or step), a Spouse, a child (natural, adopted or step) or a grandchild (natural, adopted or step).

Fees means the schedule of fees as attached. Opening and closing fees, as well as fees associated with the installation and removal of memorial markers, are payable to the caretaker. Administration fees are payable to HFNDP; all other fees are payable to "St. Peter's Cemetery".

Funeral Provider means an individual licensed to arrange, conduct or direct funerals or the transfer or disposition of Human Remains, or to arrange burials.

HFNDP means Holy Family Notre Dame Parish

HFNDP-BCT means Holy Family Notre Dame Parish, Board of Cemetery Trustees.

Human Remains means

a) a dead human body in any stage of decomposition,
b) a body of a stillborn infant in any stage of decomposition
but does not include Cremated Remains.

Infant means any person up to the age of two (2) years minus 1 day.

Interment means disposition by

- a) Burial of human remains or cremated remains; or
- b) Inurnment of cremated remains (columbarium).

Interment Permit means a permit document, either Burial Permit issued by the Province of BC for a full body, or a Cremation Certificate from an authorized Crematorium, which authorizes the interment of a deceased person and is issued pursuant to Section 4 of this Bylaw.

Interment Right Holder means a person who holds a Right of Interment as outlined in the body of the "Purchase Agreement" for HFNDP and St. Peter's Cemetery and prior to Interment, has signed the "Interment Authorization" form from HFNDP.

Interment Authorization means a document completed at time of need as prescribed by HFNDP and subject to Section 4 of this Bylaw, that may include statistical, executor and next of kin information that authorizes Interment of the deceased by the person with Control of Disposition.

Lot means a discrete space used, or intended to be used in a Cemetery, for the Interment of Human Remains or Cremated Remains under a Right of Interment and includes a grave, niche or plot.

Memorial means a structure installed at the Cemetery to identify and commemorate a deceased person that may, or may not, be interred at the Cemetery. This includes, but is not limited to, markers, monuments, and plaques.

Memorial Permit means a permit issued by the Administrator, as prescribed by HFNDP and subject to Section 7 of this Bylaw.

Miscarriage means the loss of a pregnancy before 20 weeks gestation, or a weight of less than 500 grams, as defined in the "*Vital Statistics*

Act”.

Niche shall refer to an assigned space within the columbarium where urn(s) containing cremated remains are placed.

Niche Front shall refer to a uniform, removable covering of each niche.

Related Persons means only those people who are directly connected by either blood or marriage.

Right of Interment means a certificate as prescribed by HFNDP, that provides for the future right to inter Human Remains or Cremated Remains in a designated Lot or Columbarium pursuant to Section 5 of this Bylaw.

Spouse, as defined in CIFSA, means a person who is:

- a) married to another person;
- b) is united to another person by a marriage that, although not a legal marriage, is valid as common law; or
- c) has lived with another person in a marriage-like relationship for a period of at least two (2) years immediately before the other person's death.

Stillborn Infant means the loss of a pregnancy after 20 weeks gestation, or a weight of 500 grams or greater, as defined in the “*Vital Statistics Act.*”

Urn means any receptacle, temporary or permanent, used for the encasement of Cremated Remains.

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

2. Application of Bylaw

- a) This Bylaw applies to the Cemetery, and to the Interment within the Cemetery, of the human deceased, and for its management, operation and preservation; the terms, conditions and fees set out shall apply to every Right of Interment within the Cemetery.

- b) The administration of the Cemetery shall be carried out in accordance with CIFSA, regulations pursuant to CIFSA, and this Bylaw.
- c) The HFNDP-BCT shall continue as the appointed Board of Cemetery Trustees until such time as the Pastor appoints a new board, or a board member steps down, or a three year term is finished and not renewed by said board member, being limited to two successive terms.
- d) The HFNDP-BCT, along with the pastor, shall have power to determine from time to time the size and layout of the Lots, and the developments and improvements to be carried out and made in and to the Cemetery. These shall be subject to compliance with the requirements of CIFSA, and the rules of the Diocese of Victoria.
- e) For the developments and improvements, authorized persons may make purchases in amounts up to \$1,000 without prior approval from the BCT; purchases of \$1,000 or more require BCT approval, purchases of \$10,000 or more require the approval of the Diocese of Victoria.

3. Administration of Bylaw

The Administrator is responsible for the general administration of the By-law and will:

- a. maintain all records and information for the administration, operation, maintenance and management of the Cemetery as is required by the Administrative Authority under CIFSA;
- b. issue all Rights of Interment and permits required and authorized by this Bylaw, except as otherwise provided in this By-law; and

4. Right of Interment

- a) The Administrator may, subject to payment of Fees, grant to any person a Right of Interment for a vacant, unreserved Lot. A Right of

Interment does not vest in the holder any title or interest in the land or Lot but instead provides for the right to inter the person named on the Right of Interment Certificate.

- b) The issuance of a Right of Interment does not entitle the holder to require the BCT to inter the Human Remains or Cremated Remains of the designated person in the Lot unless the holder complies in all respects with the provisions of the By-law, including, without limitation, the payment of all Fees related to the Interment.
- c) A Right of Interment for any unused Lots may only be surrendered back to the BCT, at the discretion of the Administrator. The Interment Right Holder or executor must supply this request in writing and the original Interment Right must be surrendered to the BCT. Fees, payable to St. Peter's Cemetery, associated with an interment right surrender may include:
 - i. an Administration Fee; and
 - ii. the difference between Fees paid originally and current Fees if there have been changes in fee rates.
- d) An Interment Right Holder shall either reserve the right to use that Lot for themselves or authorize another person to be interred in the Lot to which the Interment Right refers. An Interment Right Holder may only designate one Lot for their own use.
- e) A Right of Interment may be surrendered to HFNDP at the discretion of the Administrator. A refund, equal to the purchase price less the Care Fund contribution, will be issued to the Interment Right Holder provided:
 - i. there are no Interments in the designated Lot;
 - ii. the Interment Right Holder or his executor provides written notice to HFNDP for intent to surrender the right;
 - iii. the original license or Right of Interment is surrendered;
 - iv. an Administration Fee is paid; and

- v. any Fees associated with the removal of any Memorial that is on, or embracing the surrendered Lot, is paid.
- f) Upon approval of the Administrative Authority a Right of Interment may be reclaimed by the BCT if:
- i. A period of 3 years has elapsed from the time of death of the person named to be interred;
 - ii. HFNDP-BCT is provided with proof of burial or disposal of remains elsewhere of the person named to be interred;
 - iii. a minimum period of 100 years has elapsed from the date of purchase;
 - iv. a minimum 180 days has passed since notice of intent to reclaim has been sent to the Interment Right Holder; and
 - v. HFNDP-BCT has made diligent attempts to contact the Interment Right Holder.
- g) If a right of interment for a lot is sold in the circumstances described in Section 4 f), and the right of interment is subsequently required for use by the original interment right holder, the Administrator must provide another right of interment of equal or greater value that is acceptable to the original Interment Right Holder or the person who has authority under Section 5 of CIFSA with respect to the deceased interment rights holder.

5. **Interments**

- a) An Interment shall be made within the Cemetery once the person with Control of Disposition has completed and duly signed an Interment Authorization and, having paid all applicable Fees, has been issued an Interment Permit.
- b) Only Human Remains, or Cremated Remains of a human body, shall be interred and memorialized in the Cemetery.
- c) Interments:
 - i. shall only be performed within the Cemetery by the

- Caretaker or a person under the authority of the
Caretaker;
- ii. shall only be conducted in predefined Lots that
have been approved by the Administrative
Authority and;
 - iii. shall be conducted with all reasonable care and attention.
- d) Application for an Interment Authorization and Interment
Permit shall be made at least forty-eight (48) hours before the
Interment is to take place. The Administrator may schedule
the Interment in a shorter time frame subject to full
compliance with all other applicable provisions of this By-
law.
- e) Interment of the deceased named on the Interment
Authorization and the Interment Permit shall take place no
more than 30 days after fees are paid to HFNDP.
- f) The bodies of persons who have died having any infectious
disease, as defined in the *Health Act R.S.B.C. 1996, C.179*, shall be
interred within thirty-six (36) hours after death occurs, and the
Medical Health Officer shall furnish the Administrator with
specific instructions respecting Interment and the safety of all
persons who may come into contact with the casket or container
bearing the Human Remains in each case. The Administrator shall
ensure that the instructions of the Medical Health Officer are
carried out in the preparation and placement of the Interment.
When an Interment for a person with an infectious disease needs
to occur outside regular working hours, authorization is required
by the Administrator and the Medical Health Officer's instructions
must be carried out.
- g) The following apply to all in-ground Interments:
- i. All Cremated Remains must be interred in a sealed
container constructed of permanent, durable
material approved by the Administrator.

- ii. The Administrator may allow for the interment of Cremated Remains in addition to the interment of one (1) Human Remains subject to the terms of sub-section (f) of this section provided there is no objection to the Interment of Cremated Remains by next of kin, as defined in CIFSA.
- iii. The Administrator may allow for the maximum number of interments per grave Lot as follows:
 - a. Adult size grave Lot – six (6) interments of Cremated Remains or one (1) interment of Human Remains and not more than six (6) interments of Cremated Remains;
 - b. Child size grave Lot - three (3) interments of Cremated Remains or one (1) interment of Human Remains and not more than two (2) interments of Cremated Remains;
 - c. Infant size grave Lot - three (3) interments of Cremated Remains or one (1) interment of Human Remains and not more than two (2) interment of Cremated Remains;

- d. Cremated Remains size grave Lot - one (1) interment of Cremated Remains or two (2) cremated remains in one (1) container as per f (i) of this section, with no co-mingling of ashes.
 - e. Columbarium Niche Lot - two (2) interments of Cremated Remains.
- iv. The approximate size of grave Lots shall be:
- | | |
|-------------------|-----------------------------------|
| Adult | 1.3m x 2.6m (4' x 8') |
| Infant | 1.3m x 1.3m (4' x 4') |
| Child | 1.3m x 2m (4' x 6') |
| Cremated Remains | 0.6m x 0.6m (2' x 2') |
| Columbarium Niche | .3m x .3m x .45m (1' x 1' x 1.5') |
- v. Each full casket interment in the Cemetery shall be made in a grave, which when filled and closed, provides not less than one (1) meter of earth between the upper surface of the casket and the general ground level around the gravesite.
- vi. Each in-ground interment of Cremated Remains shall be made in a grave dug to a depth of 0.6 meters.
- h) Interments shall be performed within the following hours, or at other times as approved by the Administrator:
- i. between the hours of 8:00 am and 4:00 pm, Monday to Saturday.
 - ii. Sunday or Statutory Holiday Interments may be scheduled by the Administrator subject to the payment of additional Fees and availability of the Caretaker.
 - iii. The person with Control of Disposition shall be responsible for any late arrival Fees if the Human Remains or Cremated Remains are delivered to the Cemetery outside of the above prescribed times.

6. Exhumations and Disinterments

- a) Pursuant to Section 16 of the CIFS Act a Cemetery must not exhume or disinter Human Remains or Cremated Remains until:
 - i. the Administrator receives a written request to do so from the person who has the Control of Disposition of the remains;
 - ii. approval of the Exhumation by the Administrative Authority is received by the Administrator;
 - iii. the Administrator gives written notice to, and receives permission from, a Medical Health Officer for the area of the health region in which the Cemetery is located when the Human Remains are those of a person who, at the time of death, was known to have had an infectious or contagious disease or other disease dangerous to public health; and
 - iv. payment of the prescribed Fee is received, or acceptable payment arrangements have been made with the Administrator.
- b) The Caretaker appointed by the BCT shall exercise all due care and attention in making an Exhumation or Disinterment, but the BCT is not responsible for damage sustained to any Casket, Urn or other container during Exhumation or Disinterment.
- c) The BCT's responsibility with respect to Exhumation or Disinterment is limited to:
 - i. excavation of sufficient quantities of soil to permit access to the Human or Cremated Remains;
 - ii. removal of intact burial containers; and
 - iii. closure of the Lot.
- d) A person who makes a request for the exhumation or disinterment of Human Remains must ensure that a Funeral Provider is present for the handling of any Human Remains in the existing Lot, or for any transfer of the remains to the new Lot or location. The Funeral Provider shall be employed at the

expense of the Interment Right Holder or their successors.

7. Memorials

- a) Memorials will only be installed, removed or modified in the Cemetery when:
 - i. an Interment Right Holder or authorized representative, or a person authorized by the Administrator, has made application to the Administrator;
 - ii. the applicable contribution is paid to the Care Fund as required in the CIFSA;
 - iii. All outstanding fees relating to the Lot, Interment and Memorial installation have been paid in full; and
 - iv. the deceased person has been interred in the Lot or is sharing a marker with another who is not yet deceased.

- b) All Memorials shall only be placed, installed or removed by the Caretaker or other person authorized by the Administrator. All Memorials shall conform to the approved plan of the Cemetery and its sections, and shall be constructed of stone or bronze. Bronze memorials must be set on a concrete base. All Memorials shall conform to the specifications set out in Sub-section 8 d) of this Bylaw.

- c) Installation of Memorials shall occur during regular business hours. Installations will be made as soon as possible after delivery of the Memorial to HFNDP; timelines may vary depending on scheduling issues, weather conditions and ground conditions.

- d) HFNDP-BCT shall not be held liable for, or be obliged to repair, any breakage or damage to any Memorial in the Cemetery.

- e) The Interment Right Holder, or the deceased's descendants, is required to keep in proper repair, at their expense and to the

satisfaction of the BCT, all Memorials upon their Lot. Should any Memorial or Lot adornment erected in the Cemetery fall into a state of disrepair, then the Administrator will document the condition and have the Memorial or Lot adornment removed from the Cemetery at the expense of the Lot holder or their successors. Interment Right Holders may request that the BCT make repairs; however, all costs associated with the repairs will be borne by the Interment Right Holder.

8. Ground Interment Memorials

- a) A Memorial in respect of an in-ground Interment, including those for cremation Lots, shall be installed flush with the ground.
- b) A Memorial Permit as prescribed by the BCT, shall be issued by the Administrator to authorize installation of all in-ground interment Memorials.
- c) The Administrator may refuse to issue a permit to the Applicant if the Applicant has failed to comply with the requirements of this By-law. The Administrator may reject Memorials, despite the prior issuance of a Memorial Permit, when the Memorial does not comply with the specifications in this By-law, is not in keeping with the standards of the Cemetery, or contains epitaphs deemed inappropriate by the Administrator, including reference to pets.
- d) Any tablet type Memorial may be installed on a grave Lot in the Cemetery provided the Administrator deems the tablet to be acceptable and conforms to the following:
 - i. each bronze memorial tablet shall be attached to a concrete base of not less than 10cm (4") thick, with side surfaces true and perpendicular with the top surface of the attached tablet.

- ii. each stone tablet shall be not less than 7.5cm (3") thick and shall have its side surfaces true and perpendicular with the top surface.
- iii. the top surface of memorial tablets and concrete bases for the memorialization of one person shall be no larger than 30cm x 50cm (12" x 20") and no smaller than 20cm x 28 cm (8" x 12"). The only exception shall be where two related persons are buried side by side in adjacent grave Lots, one 45cm x 75cm (18" x 30") tablet which provides for memorialization of both persons may be used instead of two separate tablets, provided the single tablet so used is set to embrace evenly the two grave Lots. Requests for exceptions to this by-law are subject to the approval of the Administrator.
- iv. a bronze memorial tablet intended for installation on the grave of an adult or child may be smaller than its concrete base provided the concrete base conforms to the size required by sub-sections (i), (ii), and (iii) above, and provided the part of the base extending beyond the tablet does not exceed 5cm (2") wide and has a smooth, slightly beveled surface to shed water at its outer edges.
- v. only one memorial tablet per interment may be installed on each grave Lot.
- vi. raised inscriptions shall only be permitted on memorial tablets when the letters are not raised more than 6mm (1/4") above the face of such tablet.

9. General Provisions and Regulations

- a) Every person, including those in funeral processions, when entering and while within a Cemetery, shall obey the instructions of the Caretaker, Administrator, or other duly appointed person. Any person not behaving with proper decorum within a Cemetery or who disturbs the peace, quiet and good order of a Cemetery may be evicted by the Caretaker, Administrator, or other duly appointed person, and in addition, shall be guilty of an infraction of this Bylaw.
- b) No person shall discharge any firearm within a Cemetery, except at Military Funerals where the discharge of firearms is permitted only in regular volleys, under the command of the officer in charge, and only during the conduct of the burial service.
- c) St. Peter's Cemetery shall be open to the public at seven o'clock (7:00 am) every morning and closed to the public at eight o'clock (8:00 pm) every evening.
- d) No person owning or having custody, care or control of a pet shall allow the pet to be within a Cemetery unless kept on a leash of a maximum length of three (3) metres.
- e) No person owning or having custody, care or control of a pet shall allow the pet to deposit excrement within a Cemetery unless that person immediately removes the excrement and disposes of it in a sanitary manner not within the Cemetery.
- f) Above-ground containers or other devices for the purpose of holding flowers, wreaths or floral offerings are not permitted in the Cemetery.
- g) Cut flowers, wreaths and floral tributes may be removed by the Caretaker and disposed of when their condition is considered to be detrimental to the maintenance or appearance and beauty of

the Cemetery.

- h) No plastic or artificial flowers or adornments shall be permitted to adorn memorials within the Cemetery.
- i) No person, other than the Caretaker, shall plant, remove, cut down or destroy any tree, shrub, plant, flower, bulb or decorative feature within a Cemetery.
- j) No grave Lot shall be defined by a fence, railing, coping, hedge or by any other marking except as permitted in the Memorial provisions of this By law.
- k) No person shall solicit orders for goods or services within a Cemetery.
- l) No person shall destroy, damage or deface any Lot, Memorial, fence, vegetation, gate or any structure in a Cemetery or injure or destroy any Cemetery improvements.
- m) No person shall deposit any rubbish or offensive material within a Cemetery.
- n) No person shall play at any game or sport within a Cemetery.
- o) No children under the age of twelve (12) shall be allowed in the Cemetery unless accompanied by a person over the age of eighteen (18) year.

10. Care Fund

- a) A Care Fund for the future maintenance and care of the Cemetery and the Lots therein is hereby established, set aside and maintained. All monies in the Care Fund will be held and invested as trust funds by St. Peter's Cemetery and in accordance with the requirements of the CIFSA.

- b) The Care Fund will be maintained by the Administration of HFNDP and the Diocese of Victoria in an account to be designated as the "Cemetery Perpetual Fund". The Administrator will be responsible for all deposits to such account and for ensuring that:
 - i. the account at all times complies with the provisions of the CIFSA;
 - ii. any investment of any monies in the Care Fund is permitted under the CIFSA; the *Local Government Act*, the *Community Charter* and this By-law; and
 - iii. any interest earned on the investments of the Care Fund is to be used for maintenance and care of the Cemetery.
- c) The Administrator may, on behalf of St. Peter's Cemetery, accept voluntary payments to the Care Fund from any person or organization.
- d) The principal sum of the Care Fund will not be reduced other than in accordance with an order from the Administrative Authority pursuant to the CIFSA.

11. Penalty for Infractions

Every person who violates any of the provisions of this By-law, or who suffers or permits any act or thing to be done in contravention of this By law, or who refuses, omits or neglects to fulfill, observe, carry out or perform an duty or obligation imposed by this by-law, shall be liable on summary conviction to a penalty of not less than \$250 and not more than \$2,000 plus administration costs, at the discretion of the BCT.

Fee Schedule

St. Peter's Catholic
Cemetery
SALE OF PLOTS

Updated: September 2019

	<u>Cost of Plot</u>	<u>Perpetual Care Fund</u>	<u>Total Fees</u>
Full Body Plots	\$ 600.00	\$ 200.00	\$ 800.00
Child Plot	\$ 300.00	\$ 100.00	\$ 400.00
Infant Plot	\$ -	\$ 100.00	\$ 100.00
Cremation Plot	\$ 250.00	\$ 82.50	\$ 332.50
Ash Interment*	-	\$ 200.00	\$ 200.00

**into an existing full-body plot*

Opening and Closing Prices*

Full Body Plot	\$355.00
Infant/Child/Cremation	\$125.00
Marker Installation or Removal (ea. time)	\$125.00

HOLY FAMILY NOTRE DAME PARISH

St. Peter's Cemetery Bylaws

Established September, 2019