

# TOWN OF LAKE COWICHAN COLUMBARIUM BYLAW NO. 1008-2018

## A Bylaw to operate and maintain the Town of Lake Cowichan Columbarium Facility

**WHEREAS** the *Cremation, Interment and Funeral Services Act* states that Council may establish a bylaw to regulate, maintain, and operate municipal cemeteries and columbaria;

**AND WHEREAS** the *Cremation, Interment and Funeral Services Act* states that Council may, by bylaw establish an area to be used in perpetuity as a municipal cemetery and columbarium;

**NOW THEREFORE** the Council of the Town of Lake Cowichan in open meeting assembled enacts the following:

### 1. TITLE

This bylaw may be cited for all purposes as the "Town of Lake Cowichan Columbarium Bylaw No. 1008-2018".

### 2. DEFINITIONS

- a) "AUTHORIZED PERSON" means the person appointed by the Chief Administrative Officer to carry out any act or function under this Bylaw;
- b) "CARE FACILITY" means an assisted living facility or community care facility as defined by the Community Care and Assisted Living Act, as may be amended from time to time;
- c) CARE FUND" means "care fund" as defined in the Act and specifically for the Cemeteries operated by the Town of Lake Cowichan;
- d) "LOT" means a discrete space used, or intended to be used in a Cemetery, for the Interment of Cremated Remains and includes a *Niche; and*
- e) "NICHE" means one designated space in the columbarium.

### 3. ESTABLISHMENT OF CEMETERY

- a) The land described below is set aside in perpetuity for the Municipal Cemetery:  
Lot A Plan VIP 16660, Renfrew District

### 4. ESTABLISHMENT OF BOARD OF TRUSTEES

- a) The Council of the Town of Lake Cowichan shall serve as the Board of Trustees for the Cemetery.

### 5. ESTABLISHMENT OF CEMETERY CARE FUND

- a) The Council of the Town of Lake Cowichan in its role as the Board of Trustees shall establish a care fund for the care and maintenance of the cemetery pursuant to the *Cremation, Interment and Funeral Services Act*, as may be amended from time to time.
- b) All specified fees and charges for the Cemetery Care Fund will be held by the municipality and invested in accordance with the *Cremation, Interment and Funeral Services Act*, as may be amended from time to time, and the regulations under the Act as they apply to Municipal Cemetery Care funds.
- c) The interest and dividend income earned by the Cemetery Care Fund will only be used for the purpose of paying liabilities of the municipality arising out of the care and maintenance services provided by any person for the cemetery.



- d) The Financial Officer for the Corporation shall be responsible to ensure
  - i. that funds are collected and deposited as prescribed by the Act;
  - ii. that accounting records identify balances pertaining to each Cemetery;
  - iii. any investment of monies in the Care Fund is permitted under the Act; and
  - iv. that the Care Fund is, at all times, maintained in accordance with the Act.

## **6. ORGANIZATION, OPERATION AND MANAGEMENT OF CEMETERY**

- a) The Authorized Person will be responsible for the following:
  - i) maintaining all records and files of the cemetery necessary for the administration and management of the cemetery as required under this Bylaw and the *Cremation, Interment, and funeral Services Act*, as may be amended from time to time;
  - ii) reviewing and issuing Interment Permits and Exhumation Permits;
  - iii) upon issuing any Interment Permit or upon receiving authorization for exhumation from the proper authorities and issuing any Exhumation Permit, confirming and notifying Municipal Public Works employees of the time of the intended interment or exhumation, the name of the deceased, the number and location of the niche and any instructions of the Medical Health Officer, relative to the interment or exhumation; and
  - iv) maintaining an accounting of all monies received and expended under this Bylaw.
- b) The following duties and responsibilities will be performed by the Town of Lake Cowichan:
  - i) opening and sealing niches;
  - ii) directing all funerals in the cemetery to the correct columbarium niche;
  - iii) installing memorials on niches and constructing foundations and bases; and
  - iv) maintaining the cemetery in a neat and tidy condition, including maintaining fences, gates, paths, and other improvements.

## **7. FEES AND CHARGES**

- a) The fees for niches, interment, exhumation, and all other applicable are set out in Schedule B of this Bylaw.

## **8. SALE OF NICHES**

- a) Upon receipt of the applicable fees and charges, the Authorized person may sell an unsold niche and must issue an Interment Permit when the applicant completes the form in Schedule A 'Interment and Exhumation Permit' of this Bylaw.
- b) A Interment Permit Holder for a niche which has not yet been used may return the niche to the Town of Lake Cowichan for the amount the Interment Permit Holder paid for the niche, less any perpetual care reserve fund fees paid, and the Interment Permit may then be sold to another person.

## **9. TRANSFER OF NICHES**

- a) The Interment Permit Holder for a niche, which has not been used, may transfer the niche to another person, upon providing the Authorized Person the following:
  - i) full name and address to whom the Interment Permit is being transferred;
  - ii) the applicable perpetual care reserve fund contribution; and
  - iii) the Interment Permit issued for the niche space.



- b) Once the Authorized Person receives the necessary information and fees as described in Section 9 a) of this Bylaw, the Authorized person must cancel the original Interment Permit and issue a revised Interment Permit in the name of the transferee and record the transfer in the records of the cemetery.

#### **10. PERMIT TO INTER**

- a) No human cremated remains will be interred in the cemetery until an Interment Permit is obtained from the Town of Lake Cowichan and the applicable interment fees and charges are paid.
- b) All applications for an Interment Permit must be made to the authorized person at least two working days prior to the time of interment and must be made at the Municipal Office during regular municipal office hours.
- c) Any person making an application for an Interment Permit must complete Schedule A 'Interment Permit and Exhumation Permit' of this Bylaw.
- d) Upon the Authorized Person receiving a complete Schedule "A" and the applicable fees and charges being paid, the authorized Person may issue an Interment Permit.

#### **11. PERMIT TO EXHUME**

- a) No human cremated remains will be disinterred from the Cemetery unless:
  - i) the Authorized Person receives a written request to do so from the person who has the right to control the disposition of the cremated remains under the *Cremation Interment and Funeral Services Act*, as may be amended from time to time, and all applicable fees and charges are paid; and
  - ii) the Authorized Person issues an Exhumation Permit;
- b) The Town of Lake Cowichan is not responsible for damage to any urn or container sustained during exhumation.

#### **12. INTERMENT**

- a) No person may dispose of cremated remains within the boundaries of the municipality except in accordance with this Bylaw.
- b) No cremated remains of a deceased human body may be interred in the Cemetery and all interments shall be subject to and comply with this Bylaw.
- c) No Cemetery Interment Permit holder shall permit an interment to be made in a niche unless such interment is made pursuant to this Bylaw.
- d) No person shall inter any cremated remains in the Cemetery except between the hours of 8:00 a.m. and 4:00 p.m., Monday to Saturday, excluding Statutory Holidays, unless previous special arrangements have made with the Authorized Person.
- e) No person shall open a niche except authorized municipal employees.

#### **13. COLUMBARIUM**

- a) Each interment must be done in a niche in the columbarium in the cemetery.
- b) An urn to be placed in a niche must be made of metal, plastic, stone, porcelain, or wood and manufactured for the express purpose of containing cremated remains.
- c) All memorial plaques are supplied by the Town of Lake Cowichan and engraving is the responsibility of the Interment Permit holder.
- d) All memorials for niches must be installed by municipal employees once all associated fees and charges are paid.
- e) Each niche may contain the following:
  - i) one urn with maximum dimensions of 26.7 cm wide and 26.7 cm high x 30.0 cm



deep; and

- ii) two urns with individual maximum dimensions of 26.7 cm wide x 13.2 cm high and a combined 30.0 cm deep.

**14. GENERAL**

- a) No person may disturb persons assembled for a memorial service or visit.
- b) No person shall play any game or sport in the cemetery, unless authorized by the operator.
- c) No person shall discharge firearms in the cemetery, unless at a military funeral.
- d) No person shall drive a motorized device of any kind over any lawns, gardens or flower beds in the cemetery, unless authorized by the operator.
- e) No person shall deposit any trash or other waste in the cemetery.
- f) No person is allowed in the cemetery outside of the normal operating hours of 7:00 a.m. to 9:00 p.m. every day of the week.

**15. REPEAL**

That upon adoption of this bylaw, Bylaw 991-2017, being the "Town of Lake Cowichan Cemetery Bylaw No. 991-2017" shall hereby be repealed.

READ A FIRST TIME on the 28<sup>th</sup> day of August, 2018.

READ A SECOND TIME on the 28<sup>th</sup> day of August, 2018.

READ A THIRD TIME on 28<sup>th</sup> day of August, 2018.

RECONSIDERED, FINALLY PASSED and ADOPTED by the Municipal Council of the Town of Lake Cowichan on the 25<sup>th</sup> day of September, 2018.

\_\_\_\_\_  
 Ross Forrest  
 Mayor

\_\_\_\_\_  
 Joseph A. Fernandez  
 Corporate Officer

I hereby certify the foregoing to be a true and correct copy of "Town of Lake Cowichan Columbarium Bylaw No. 1008-2018" as adopted on the \_\_\_\_ day of \_\_\_\_, 201\_\_.

\_\_\_\_\_  
 Corporate Officer



Schedule A

**Interment Permit and Exhumation Permit**

This Purchase Agreement is entered into between the Town of Lake Cowichan and the undersigned Purchaser, also known as the Interment Rights Holder, named herein;

**Interment Rights Holder Information:**

Last Name: \_\_\_\_\_  
 First Name: \_\_\_\_\_  
 Street Address: \_\_\_\_\_  
 Street Address (2): \_\_\_\_\_  
 City: \_\_\_\_\_  
 Province: \_\_\_\_\_  
 Postal Code: \_\_\_\_\_  
 Phone: \_\_\_\_\_

**Date:** \_\_\_\_\_

**Particulars:**

\_\_\_ Interment of cremated remains  
 \_\_\_ Exhumation of cremated remains  
 Date of Interment or Exhumation: \_\_\_\_\_  
 Location of Interment: Lot # \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Fees as per Schedule B**

Niche, inclusive of memorial plaque	\$
Care fund	\$
GST	\$
Total Paid	\$

**Deceased Information:**

Last Name: \_\_\_\_\_  
 First Name: \_\_\_\_\_  
 Street Address: \_\_\_\_\_  
 Street Address (2): \_\_\_\_\_  
 City: \_\_\_\_\_  
 Province: \_\_\_\_\_  
 Postal Code: \_\_\_\_\_  
 Date of Birth: \_\_\_\_\_  
 Date of Death: \_\_\_\_\_

**Next of Kin Information:**

Last Name: \_\_\_\_\_  
 First Name: \_\_\_\_\_  
 Street Address: \_\_\_\_\_  
 Street Address (2): \_\_\_\_\_  
 City: \_\_\_\_\_  
 Province: \_\_\_\_\_  
 Postal Code: \_\_\_\_\_  
 Phone: \_\_\_\_\_

Death Certificate received

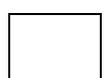
Payment Terms: For goods and services listed, payment in full is required at the time of entering into this agreement.

Payment method: \_\_\_Cash or Debit \_\_\_Cheque

In witness whereof, the parties executed this agreement on the \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
 Interment Rights Holder

\_\_\_\_\_  
 Relationship to the Deceased



## Schedule B

Fees

<b>Right of Interment</b>	<b>Right of Interment (\$)</b>	<b>Care Fund (\$)</b>	<b>Total Cost (\$)</b>
Niche – top row	1,467	163	1,630
Niche	1,287	143	1,430
<b>Cemetery Services</b>	Preparation & Close		
Open and close niche wall	400	n/a	400
Exhume/disinter cremated remains	400	n/a	400
<b>Memorial Installations</b>	Installation		
Niche wall engraving	200	10	210
Removal & reinstallation	60	n/a	60
<b>Other Fees (In Addition to Fees Above)</b>			
Right of interment transfer or surrender	50	n/a	50
Niche wall installations after hours or late arrival fees – <b>per quarter hour</b>	15	n/a	15
Taxes will be added to all fees as applicable. Fees in effect as of August 2018			

