

RESORT MUNICIPALITY OF WHISTLER

BYLAW NO. 1788, 2006

**BEING A BYLAW TO OPERATE, REGULATE AND MAINTAIN
THE WHISTLER CEMETERY**

WHEREAS pursuant to Section 8(f) of the *Community Charter* Council may, by bylaw, regulate, prohibit and impose requirements in relation to cemeteries, crematoriums, columbariums and mausoleums and the interment or other disposition of the dead, subject to the *Cremation, Interment and Funeral Services Act*.

NOW THEREFORE, the Municipal Council of the Resort Municipality of Whistler, ENACTS AS FOLLOWS:

1. This Bylaw may be cited for all purposes as “Cemetery Regulation Bylaw No. 1788, 2006”.

2. In this Bylaw, terms defined in the *Cremation, Interment and Funeral Services Act* shall have that meaning unless expressly defined otherwise herein, and the following shall apply:

“Care Fund” means a fund established from a portion of cemetery fees and charges, for the perpetual care, repair and maintenance of cemetery property;

“Caretaker” shall mean the person or persons duly appointed or employed by the municipality from time to time as Caretaker of the Whistler Cemetery;

“Cemetery” shall mean and include any parcel or tract of land set aside, used, maintained or operated as a cemetery by the Resort Municipality of Whistler;

“Columbarium” shall mean a wall containing niches for the above-ground burial of cremated remains;

“Columbarium Niche” shall mean the recess in a columbarium used or intended to be used for the interment of cremated remains;

“Council” shall mean the Council of the Resort Municipality of Whistler;

“Cremated remains” shall mean the remains resulting from the cremation of a deceased human body;

“Director” shall mean a director under the *Business Practices and Consumer Protection Act*;

- “Disinterment” shall mean the removal, for the purposes of permanent relocation, of human remains and the container or any of the remaining container holding the human remains from the lot in which the human remains are interred;
- “Exhumation” shall mean the exposure and removal of interred human remains for the purposes of viewing or examination;
- “Grave space” shall mean a full body burial plot, a cremated remains burial plot, a columbarium niche and the scattering garden;
- “Infant” shall mean any person up to the age of two years;
- “Interment” shall mean disposition by burial of human remains or cremated remains, inurnment of cremated remains and the scattering of cremated remains;
- “Interment Permit” means a permit issued by the municipality granting permission for an interment;
- “Inurnment” shall mean the act of interring cremated remains in a columbarium niche;
- “Licence” shall mean a licence issued by the municipality with respect to the purchase and reservation of a grave space which grants the right of use thereof;
- “Mayor” shall include the Acting Mayor;
- “Medical Health Officer” shall mean the person duly appointed from time to time by the Vancouver Coastal Health Unit to act as Medical Health Officer for the Resort Municipality of Whistler;
- “Memorial Marker” shall mean a grave space marker indicating the name of the deceased person or persons;
- “Municipality” shall mean the Resort Municipality of Whistler;
- “Non-Resident” shall mean any person who does not reside within the municipal boundaries;
- “Resident” shall mean any person presently residing in the municipality, and who has continuously resided in the municipality for a period not less than six months;
- “Scattering garden” shall mean the area set aside within the Whistler Cemetery for the irreversible dispersal of cremated remains which are not contained within any receptacle;

- The use of words signifying the masculine shall include the feminine.
3. The following lands have been set aside for the operation and use as a cemetery by the municipality:

“Whistler Cemetery, legally described as being District Lot 4563, Plan 18739, Group One, N.W.D.”
 4. A copy of the plans of the cemetery shall be kept available for public inspection in the municipal hall and at such other places as may be deemed necessary.

ADMINISTRATION OF BYLAW

5. The Corporate Officer is responsible for the general administration of the cemetery and will:
 - a) Maintain all records and information necessary for the administration, operation, maintenance and management of the cemetery as required by the *Cremation, Interment and Funeral Services Act* and regulations; and
 - b) Issue each licence and interment permit authorized by this Bylaw.
6. All applications for licenses and interment permits must be made at the municipal offices of the Resort Municipality of Whistler, 4325 Blackcomb Way, Whistler, BC during regular office hours of 8:00 am to 4:30 pm, Monday to Friday, excluding statutory holidays.
7. Upon issuing any permits for interment, disinterment or exhumation in the cemetery, the Corporate Officer shall notify the Caretaker before the time of the intended interment, disinterment or exhumation, giving the name of the deceased, the number and/or the location of the grave space concerned, and if applicable, any instructions from the Health Officer relative to the interment, disinterment or exhumation.

LICENCE TO USE THE CEMETERY

8. Any person paying cemetery fees according to the scale of fees outlined in “Schedule A”, subject to applying for 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, such person or persons shall be entitled to receive a licence.

9. In the case of the death of a person holding a licence to use one or more grave spaces, the municipality may recognize the rights of the surviving wife or husband or next of kin, insofar as it is able to ascertain who such parties are by proof to be furnished by such surviving spouse or their heirs of the deceased.
10. The municipality reserves the right to refuse to sell the use of more than two grave spaces to any one individual.
11. Where the holder of a licence to use and occupy a grave space in the cemetery no longer wishes to hold the licence:
 - a) The holder shall transfer his right of use and occupancy back to the municipality. The municipality shall reimburse the licence holder the fees originally paid for the licence less the care fund amount and a \$50.00 transfer fee;
 - b) Upon acceptance by the municipality of the transfer fee, the municipality may re-assign the licence to another person and shall effect the transfer and amend its records accordingly.
12. All licenses issued for use of grave spaces in the cemetery shall be subject to the provisions of this bylaw and all future bylaws adopted by Council.

FEES AND CHARGES

13. The fees for grave space plots, interment, disinterment, exhumation, care of the cemetery, memorial marker installations and the charges for goods and services offered for sale by the municipality for use in the cemetery, and any other cemetery fees shall be those set out in "Schedule A" attached hereto and forming part of this bylaw.
14. The fees set out in "Schedule A" to this bylaw shall be paid in full at the time of purchasing a cemetery licence or any goods or services sold by the municipality in connection with the operation of the cemetery.
15. In cases of poverty, Council may consider and decide on applications for the waiving of fees in whole or in part.

INTERMENT, DISINTERMENT AND EXHUMATION

16. Only human remains or cremated remains of a human body may be interred in any portion of the Whistler Cemetery.
17. No person shall scatter, dispose of, or inter any cremated remains or human remains or remove anything from within the limits of the cemetery except in compliance with this bylaw and the *Cremation, Interment and Funeral Services Act*.

18. No body or cremated remains shall be interred, disinterred or exhumed in the cemetery, until a permit, has been obtained from the municipality and the fees specified in “Schedule A” hereof has been paid, except as may be permitted otherwise under the terms of Section 15 and 22 of this bylaw.
19. Any person who makes an application for an interment permit or who requires an interment to be made shall provide the municipality with the following:
 - a) a Certificate of Death or a Certificate of Cremation which states the name, age and date of death of the deceased;
 - b) the date and time of the funeral;
 - c) the name and mailing address of the person who had a kinship relationship with the deceased;
 - d) a copy of the written authorization required under Section 8(1) of the *Cremation, Interment and Funeral Services Act* from the person who has the right to control the disposition of the human remains;
 - e) a copy of the burial permit;
 - f) any other information which it is reasonable for the municipality to request.
20. Where the body of a person who dies while suffering a communicable disease, is to be buried in the cemetery, any instructions given by the Medical Health Officer in respect to the interment shall be fully and carefully followed by those who perform the interment.
21. All permits for interment, disinterment or exhumation of a body or ashes of deceased persons in the cemetery shall be made to the municipality during regular business hours.
22.
 - a) Where the Medical Health Officer directs, pursuant to the Regulations for communicable diseases under the *Health Act* or otherwise, that a body be buried in the cemetery during any period when the municipal hall is closed, permission to inter in the cemetery shall be obtained from the Medical Health Officer, Vancouver Coastal Health Unit.
 - b) Where an interment in the cemetery is performed under the conditions of subsection (a), the person who permitted the burial and the person who performed the burial shall report the matter to the Corporate Officer with full details of the deceased as required by Section 19 of this bylaw, hereof together with such fees as may be required in accordance with “Schedule A”, if such fees have not already been paid.

- c) The information required to be given to the municipality under the terms of subsection (b) of this section, shall be provided as soon after such interment as the municipality's offices are opened.
23. One interment only is permitted in each grave space in the cemetery except in the Scattering Garden.
24. **Adult and Infant Burial Plot Interments:**
- a) The body shall be interred in a coffin or casket of which the outside dimensions do not exceed:
 - Adult Burial Plots – 71 cm (28 in.) wide by 213 cm (84 in.) long by 58.5 cm (23 in.) high;
 - Infant Burial Plots – 30 cm (12 in.) wide by 71 cm (28 in.) long by 30cm (12 in.) high.
 - b) Each coffin or casket buried in the cemetery shall be placed in a concrete or fiberglass grave liner provided by the municipality, which will consist of two side walls, two end walls and a cover sufficient to bridge the coffin or casket over its entire length and will be covered with no less than 60 cm (24 in.) of earth between the general surface level of the ground at the grave site and the upper surface of the grave liner;
 - c) Prior to any interment, disinterment or exhumation the municipality requires a minimum of five (5) working days notice.
25. **Cremated Remains Burial Plot Interments:**
- a) Cremated remains shall be interred in a container which does not exceed 20.4 cm (8 in) wide by 20.4 cm (8 in.) high by 25.4 cm (10 in.) deep;
 - b) The container shall be encased in a concrete liner provided by the municipality which will not be less than 10 cm (4 in.) thick and shall be buried in the grave not less than 60 cm (24 in.) deep;
 - c) Prior to any interment, disinterment or exhumation the municipality requires a minimum of five (5) working days notice.
26. **Columbarium Niche Interments:**
- a) Cremated remains shall be interred in an urn no larger than 25.4 cm (10 in.) by 25.4 cm (10 in.) by 25.4 cm (10 in.);

- b) Each niche containing an urn shall be sealed with a granite memorial marker supplied by the municipality;
- c) Prior to any interment, disinterment or exhumation the municipality requires a minimum of two (2) working days.

27. Scattering Garden Interments:

- a) The placement of ashes which are not contained within any receptacle, and which are dispersed in the Scattering Garden, is irreversible.
- b) Prior to any interment the municipality requires a minimum of two (2) working days.

CARE FUND

- 28. a) A fund shall be established as the "Cemetery Care Fund" and 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 municipal Cemetery Care Fund and in accordance with the procedures hereinafter set out.
 - b) A bank account shall be established to be known as the "Cemetery Care Fund Account" into which the municipality shall pay all funds received for care fund purposes and all such funds shall be deposited in said account, and there held pending investment.
 - c) On all licenses for use of grave spaces sold and on all placement of memorials, the municipality shall pay into the "Cemetery Care Fund Account" from the amount received for each licence and service, the amount specified in "Schedule A" hereof.
 - d) The principal sum of the "Cemetery Care Fund" shall not be reduced otherwise than in accordance with an order of the director made pursuant to the Regulations under the *Cremation, Interment and Funeral Services Act*.
29. The municipality is hereby authorized to accept voluntary payments from any source, and all such voluntary payments shall be deposited to the credit of the Cemetery Care Fund.

MEMORIAL MARKERS

- 30. Memorial markers shall not be placed on grave spaces in the cemetery until the fees in "Schedule A" of this bylaw have been paid in full.
- 31. No memorial marker, other than those specified within this bylaw may be installed in the cemetery.

32. One memorial marker may be installed on each grave space in the cemetery subject to the requirements of this bylaw and subject to the following:

Adult, Infant and Cremated Remains Burial Plot Memorial Markers:

- a) Shall be installed in a position on the grave space so that its top surface is set level and flush with the surface of the surrounding ground;
- b) Shall be made of stone or bronze;
- c) Each stone memorial marker shall be not less than 10cm (4 in.) thick and shall have its side surfaces true and perpendicular with its top surface;
- d) Each bronze memorial marker shall be attached to a concrete base not less than 10cm (4 in.) thick, with side surfaces true and perpendicular with the top surface of the attached marker;
- e) On adult burial plots the top surface of the memorial marker and concrete base shall measure 30.5 cm (12 in.) x 51 cm (20 in.);
- f) On infant burial plots the top surface of the memorial marker and concrete base shall measure 25 cm (10 in.) x 45.7 cm (18 in.);
- g) A bronze memorial marker intended for installation on the burial plot of an adult or infant may be smaller than its concrete base provided the concrete base conforms to the size for the grave space as required by subsections e) and f) above, and provided the part of the base extending beyond the table does not exceed 5 cm (2 in.) wide and has a smooth, slightly beveled surface to shed water at its outer edges;
- h) On cremated remains burial plots the top surface of the memorial marker and concrete base shall measure 20 cm (8 in.) x 28 cm (11 in.);
- i) Where two related persons are buried side by side in adjacent grave spaces, one 45 cm(18 in.) x 75 cm (30 in.) marker which provides for the memorialization of both persons may be used instead of two separate markers provided the single marker so used is set to embrace evenly the two grave spaces concerned.

Columbarium Niche Memorial Markers:

- a) Shall be purchased through the municipality and engraved by the municipality as these markers form part of the columbarium structure;

Scattering Garden Memorial Markers:

- a) Shall be made of bronze and will be purchased through and engraved by the municipality;
 - b) Shall be placed and secured within the recesses on the memorial rocks intended to be used for the scattering garden;
 - c) Shall measure 24 cm (9.5 in.) wide by 5.5 cm (2 in.) high by 1.0 cm (3/8 in.) thick.
33. The municipality reserves the right to reject any memorial marker which is not in keeping with the dignity of the cemetery.
34. No grave space in the cemetery shall be defined by a fence, hedge or railing unless otherwise approved by Council.

GENERAL

35. No person shall solicit orders for markers, memorials, or any other like works within the limits of the cemetery.
36. 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, or disturbing the quiet and good order of the cemetery, may be evicted there from by the Caretaker.
37. Dogs, except on leash, horses or other animals are not permitted in the cemetery.
38. The municipality will not be responsible for articles placed on grave spaces.
39. No persons shall undertake or execute any work of a permanent character in connection with the beautifying, improving or caring for any grave spaces, nor shall any person trim, plant, prune or remove any part of any tree, shrub, or plant in the cemetery whether or not on his grave space. The Caretaker shall upon request, do any pruning needed without charge.
40. Notwithstanding anything herein contained, the administration and operation of the cemetery shall be carried out at all times in accordance with the *Cremation, Interment and Funeral Services Act* and Regulations made thereunder.
41. “Cemetery Bylaw No. 1495, 2002” is hereby repealed.

GIVEN FIRST, SECOND AND THIRD READINGS this 18th day of December, 2006.

ADOPTED by the Council this 8th day of January, 2007.

Ken Melamed,
Mayor

Shannon Story,
Corporate Officer

I HEREBY CERTIFY that this is a true copy of "Cemetery Regulation Bylaw No. 1788, 2006".

Shannon Story,
Corporate Officer

**Schedule A
Whistler Cemetery Fees**

INTERMENT FEES

<u>Full Burial Grave Space - Resident</u>	<u>Adult</u>	<u>Infant</u>
Plot Cost	846.81	493.97
Interment Fee	2,090.20	1,034.52
Installation of Memorial	141.13	141.13
Care Fund on Plot	254.04	148.19
Care Fund on Memorial	42.34	42.34
Total	\$3,374.52	1,860.15
<u>Full Burial Grave Space - Non-Resident</u>	<u>Adult</u>	<u>Infant</u>
Plot Cost	1,693.61	987.94
Interment Fee	2,090.20	1,034.52
Installation of Memorial	141.13	141.13
Care Fund on Plot	508.08	296.38
Care Fund on Memorial	42.34	42.34
Total	\$4,475.37	\$2,502.31
<u>Cremation Burial Plot - Resident</u>		
Plot Cost	352.84	
Interment Fee	479.86	
Installation of Memorial	141.13	
Care Fund on Plot	105.85	
Care Fund on Memorial	42.34	
Total	\$1,122.02	
<u>Cremation Burial Plot - Non-Resident</u>		
Plot Cost	705.67	
Interment Fee	479.86	
Installation of Memorial	141.13	
Care Fund on Plot	211.70	
Care Fund on Memorial	42.34	
Total	\$1,580.71	
<u>Columbarium Niche - Resident</u>		
Niche cost	705.67	
Urn Placement	246.99	
Engraving/placing memorial panel	282.27	
Care Fund on Niche Plot	211.70	
Care Fund on panel placement	42.34	
Total	\$1,488.97	

Columbarium Niche - Non-Resident

Niche cost	1,411.34
Urn Placement	246.99
Engraving/placing memorial panel	282.27
Care Fund on Niche Plot	423.40
Care Fund on panel placement	42.34
Total	\$2,406.34

Scattering Garden - Resident

Scattering Fee	91.74
Plaque, engraving plus installation	352.84
Care Fund on Garden	27.52
Care Fund on plaque installation	42.34
Total	\$514.43

Scattering Garden - Non-Resident

Scattering Fee	183.47
Plaque, engraving plus installation	352.84
Care Fund on Garden	55.04
Care Fund on plaque installation	42.34
Total	\$633.69

DISINTERMENT AND EXHUMATION FEES

Full Burial Plots - Adult	4,180.40
Full Burial Plots - Infant	2,069.04
Cremation Burial Plot	959.72
Columbarium Niche	493.98

OTHER FEES

An addition of G.S.T. is applicable on all fees except on care fund amounts.

Additional fees for any interment work performed on Saturdays, Sundays and statutory holidays are as follows:

Saturdays or Sundays	\$600.00
Statutory Holidays	\$900.00

Plot Transfer – Fees are refundable except the care fund amount and a \$50.00 administration charge.