



## DISTRICT OF HOUSTON

### HOUSTON CEMETERY BYLAW NO. 970, 2009

#### A BYLAW RELATING TO THE OPERATION AND MAINTENANCE OF THE HOUSTON MUNICIPAL CEMETERY AND COLUMBARIUM

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The Council of the District of Houston, in open meeting assembled, enacts as follows:

#### **PART 1 – DEFINITIONS AND INTERPRETATION**

##### **Title**

1. This Bylaw may be cited as the "District of Houston Municipal Cemetery Bylaw No. 970, 2009."

##### **Definitions**

2. In this Bylaw:

"**Board**" means the Board of Cemetery Trustees

"**caretaker**" means the person employed by the District as caretaker of the *cemetery* and *columbarium* of the District or an authorized representative of the caretaker;

"**cemetery**" means any area of land set aside, owned, used or maintained by the District as a cemetery within the municipal boundaries and includes any *columbarium* which may be located within the *cemetery*;

"**cemetery care fund**" means a portion of the *interment* costs set aside for maintenance of the *cemetery*;

"**cemetery manager**" means the Director of Engineering & Development Services for the District or an authorized representative of the Director of Engineering & Development Services;

"**columbarium**" means a structure or part thereof that contains, as an integral part of the structure or building, *niches* for the *interment* of *cremated remains*;

"**Corporate Officer**" means the Director of Corporate Services for the District of Houston, who holds the responsibility of corporate administration or an authorized representative of the Corporate Officer;

"**Council**" means the Council of the District of Houston;

"**cremated remains**" means the remains resulting from cremation of a deceased human body;

"**director**" means the Director of Business Practices & Consumer Protection Authority, designated to administer and enforce the *Cemetery and Funeral Services Act*;

**“disinterment”** means the removal of human remains, along with the casket or container holding human remains, from the *plot* or *niche* in which the human remains had been interred;

**“District”** means the District of Houston;

**“exhumation”** means the exposure of interred human remains for viewing or for examination, whether in or removed from the plot in which the human remains had been interred;

**“Financial Officer”** means the person appointed, by Council, with the responsibility of financial administration;

**“immediate relative”** means spouse, son, daughter, mother or father.

**“interment”** means disposition by:

- (a) burial of human remains or *cremated remains* in a *plot*, or
- (b) inurnment of *cremated remains* in a *columbarium*;

**“Medical Health Officer”** and **“Health Officer”** means the person duly appointed from time to time to act as Public Health Officer for the *District*;

**“niche”** means each individual compartment in a *columbarium* used or intended to be used for the *interment* of *cremated remains*;

**“non-resident”** means a person who does not meet the definition of *resident*;

**“plot”** means a space of ground in a *cemetery* used or intended to be used for the *interment* of human remains or *cremated remains* under an Interment Permit;

**“plot liner”** means a rigid shell structure to cover a casket for an *interment* and includes a wooden container used to hold a casket;

**“resident”** means a person who has resided or owned land within the District for 30 days or more prior to the issuance of a Cemetery Licence;

**“urn”** means a container used to store cremated human remains and which may be designed to contain the remains of more than one person.

3. Wherever the singular or masculine is used in the Bylaw the names shall be deemed to include the plural or the feminine or the body politic or corporate, and also their respective heirs, executors, administrators, successors and assigns.

## **PART 2 – APPLICATION AND ADMINISTRATION**

### **Application of Bylaw and *Cremation, Interment and Funeral Services Act***

4. The regulations hereby established shall apply to all *cemeteries* and *columbaria* of the *District* as described in Section 5, and these regulations shall be observed for *interment* of the dead therein and for the management, operation and preservation of same, and the terms, conditions and fees set out herein shall apply to every use of *plots* or *niches* within such *cemetery*, provided however, that notwithstanding anything herein contained, the Administration of the *cemetery* shall at all times be carried out in conformity with the applicable requirements of the "*Cremation, Interment and Funeral Services Act*" and the regulations made pursuant thereto.

### **Cemetery Designation**

5. The following described real property owned by the *District* which have been set aside, held, laid out, developed, improved, used and maintained as a municipal *cemetery* and dedicated for such use by Bylaw shall continue to be used, operated and maintained for such purpose and shall not be used for any other purpose:
  - (a) District Lot 2156, Range 5, Coast Range 5 Land District;  
Civic Address: 3480 Viewmont Court  
in the District of Houston, Province of British Columbia  
known as the "Houston Municipal Cemetery"
  - (b) Lot 1, Plan 3826, District Lot 2109, Range 5, Coast Range 5 Land District, except Plan 4917, 5975 and 8403, PRP 14367  
Civic Address: 3481 Viewmont Court  
in the District of Houston, Province of British Columbia

### **Establishment of Columbarium**

6. The *District* hereby establishes, within the Houston Municipal Cemetery a *columbarium*, which shall be managed and regulated in accordance with the provisions of this Bylaw.

### **Cemetery Plans**

7. The original plans of the *cemetery* and the *columbarium* shall be kept available for public inspection in the Municipal Office and at such other places as may be deemed necessary by the *Council*.

### **Establishment of Board of Cemetery Trustees**

8. In accordance with the provisions of Section 37(2)(b) of the "*Cremation, Interment and Funeral Services Act*", *Council* hereby established 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*.

### **Administration of Bylaw**

9. This Bylaw shall be administered by the *Corporate Officer*.
10. The *Corporate Officer* shall issue all licenses and permits required by this Bylaw, subject to the provisions of this Bylaw.
11. The *Corporate Officer* shall maintain records as necessary for the administration and management of the *cemetery* and as required by the "*Cremation, Interment and Funeral Services Act*."

### **PART 3 – CEMETERY LICENCING**

#### **Cemetery Licencing**

12. *Cemetery Licence* for any one or more *plots* or *niches* which may be vacant and unlicensed in the *cemetery* may be granted to any person paying the fees according to the scale of fees set out in **Schedule "A"** attached to this bylaw for the exclusive use by him, or his executors or administrators.
13. The *Board* shall have the right to refuse to sell the use of more than two *plots* or *niches* to any one individual.
14. All *Cemetery Licences* issued for the use of a *plot* or *niche* shall be subject to the provision of this Bylaw and all Bylaws and regulations now or hereafter to be passed by the *Council*.

#### **Cemetery Licence Applications**

15. All applications for the *Cemetery Licence* shall be made at the District of Houston Municipal Office between regular business hours on all days of the week except Saturday, Sunday, statutory holidays, and in case of emergency as described in Section 44, on the application form provided by the *Corporate Officer*.

#### **Form of Cemetery License**

16. All *Cemetery Licences* issued shall be in the form provided by the *Corporate Officer*.

#### **Cemetery License Transfers**

17. No sale, assignment, or transfer of a *Cemetery Licence*, *plot*, or *niche*, or of rights of *interment* therein, shall be made without the written consent of the *Corporate Officer* and in accordance with Sections 18 and 19.
18. After an *interment* has been made in a *plot* or *niche*, no assignment or transfer or any right therein may be made or will be recognized by the *District* unless the proposed transfer is to an *immediate relative* of the *Cemetery Licence* holder.

19. The right to use any 'vacant' plot or niche may be transferred to another person, provided that:
- (a) the Licence holder or his legal representative signifies, in writing, to the *Corporate Officer*, his desire to transfer his right to another person;
  - (b) the *Corporate Officer* is furnished full particulars of the name, address, occupation, or other description of the person to whom such transfer is desired to be made, and the consideration to be paid therefore;
  - (c) if the person to whom the *plot* or *niche* is to be transferred is not a *resident* of the *District*, the difference between the *non-resident* Licence fee and the *resident* Licence fee calculated in accordance with **Schedule "A"**, if not paid by the original purchaser, shall be paid to the *District* at the time of the application for transfer;
  - (d) after the transfer is effected, any *interment* made in the *plot* or *niche* shall be subject to the *Interment Permit* fees and any other fees related to the interment, including memorial charges if applicable, specified in **Schedule "A"**, at the time of application for an *Interment Permit*.

#### **Repurchase of Plot or Niche**

20. The *District* may, on application by the Licence holder, repurchase any vacant plot or niche from the holder thereof, for the original amount paid for the *plot* or *niche*. Such repurchase shall not be permitted where an exhumation has occurred.

#### **Rectifying Licencing Errors**

21. If an error is made in the contract of sale, description or transfer of a *plot* or *niche* and the *plot* or *niche* is unavailable, the *District* shall amend the contract to provide another *plot* or *niche* of equal or greater value and similar location acceptable to the Licence holder or to the person with the right to control the disposition of the human remains in accordance with the "*Cremation, Interment and Funeral Services Act*" or, the *District* shall cancel the contract and refund the full amount of money paid plus accrued interest at a prescribed rate.

### **PART 4 – INTERMENT**

#### **Interment**

22. No person shall cremate or inter the body or *cremated remains* of a deceased person within the limits of the *District* save and except as authorized under the terms of the "*Cremation, Interment and Funeral Services Act*" and the regulations made there under, and in compliance with this Bylaw.
23. No body, other than a deceased human body, or the *cremated remains* or other remains of a deceased human body shall be interred in the *cemetery*.

24. No *interment* of a body or *cremated remains* shall be made until an *Interment Permit* has been obtained from the *District*.

### **Interment Permit**

25. An *Interment Permit* for an *interment* in compliance with the provisions of this Bylaw may be granted to any holder of a valid *Cemetery Licence* after that person pays all the fees therefore and all fees for any related *interment* requirements, according to the scale of fees set out in **Schedule "A"**.
26. All *Interment Permits* must be obtained at least thirty-six (36) hours, exclusive of Saturdays, Sundays, or statutory holidays, before the *interment* may take place, except in the case:
- (a) where the *Health Officer* directs otherwise, pursuant to the *Health Act Communicable Disease Regulation*; or
  - (b) where the *cemetery manager* is satisfied that a shorted notice is necessary.

### **Interment Permit Applications**

27. All applications for an *Interment Permit* shall be made at the District of Houston Municipal Office between regular business hours on all days of the week except Saturday, Sunday, statutory holidays and in cases of emergency as described in Section 44, by the immediate relatives of the deceased or their representative authorized by them to make such arrangement for the deceased, or by other authorized persons, on the application form provided by the *Corporate Officer*.
28. Any person who makes application for an *Interment Permit* shall furnish the *Corporate Officer* a statement including the name, sex, age and address of the deceased, date of death, date and time of the interment, whether or not the deceased at death was known to have had an infectious or contagious disease or other disease dangerous to public health, a copy of the burial certificate or death certificate issued by the Director of Vital Statistics under the provisions of the *Vital Statistics Act*, and such other information as may reasonably be required by the *Corporate Officer* to ensure conformity with the provisions of this Bylaw.

### **Form of Interment Permit**

29. All *Interment Permits* issued shall be in the form provided by the *Corporate Officer*.

### **Number of Interments per Plot or Niche**

30. The maximum *interments* in a *plot* may consist of a total of the *interment* of one (1) body with up to two (2) *cremated remains* or the *interment* of up to three (3) *cremated remains*.
31. The maximum *interments* in a *cremation plot* may consist of a total of the *interment* of one (1) *cremated remains* or one (1) *cremation urn* specifically made to hold the *cremated remains* of two (2) people.

32. The maximum *interments* in a *columbarium niche* may consist of two (2) single cremation *urns* or one (1) cremation *urn* specifically made to hold the *cremated remains* of two (2) people.
33. A single *Cemetery Licence* for a *plot* or *niche* is sufficient for multiple *interments* in a *plot* or *niche*, but all other *Interment Permits* and other service fees set out in **Schedule "A"** shall apply.

### Interment Regulations

34. Upon using any *Interment Permit* for the *cemetery*, the *Corporate Officer* shall notify the *caretaker* before the time of the intended *interment*, giving the name of the deceased and the number and location of the *plot* or *niche* concerned.
35. Each *interment* of a body or cremated remains shall be made using a *plot liner*.
36. Each *interment* of a body shall be made in a *plot* dug to a depth sufficient to provide for not less than 0.8 meters (2.6 feet) of earth between the upper surface of the *plot liner* and the level of ground surrounding the *plot*.
37. Each *interment* of *cremated remains* in a *plot* shall be made in a *plot* dug to a depth sufficient to provide for not less than 0.4 meters (1.3 feet) of earth between the upper surface of the cremation urn and the level of ground surrounding the *plot*.
38. A cremation *urn* of approved non-deteriorative material, no greater than twenty-nine (29) centimeters (11.5 inches) in height, shall be used for each *interment* or *cremated remains* in a *plot*.
39. Except as provided in Sections 40 and 44 all *interments* shall take place between the hours of 8:30 a.m. and 3:00 p.m. on all days of the week except Saturday, Sunday, and statutory holidays.
40. *Interments* may take place after regular *interment* hours and on Saturdays, Sundays and Statutory Holidays provided the *cemetery manager* has granted his prior written approval and the additional fees set out in **Schedule "A"** have been paid.
41. No *plot* shall be dug or opened and no *niche* shall be opened or closed by any person other than the *caretaker* or other person duly authorized by the *cemetery manager*.

### Rectifying Interment Errors

42. If an error is made and human remains or *cremated remains* are interred in the wrong *plot* or *niche*, the *District* shall disinter the human remains or *cremated remains* from the wrong *plot* or *niche* and inter them in the correct *plot* or *niche*, if available. If the correct *plot* or *niche* is not available, the *District* shall disinter the human remains or *cremated remains* from the wrong *plot* or *niche* and inter them in a *plot* or *niche* acceptable to the person with the right to control the disposition of the human remains in accordance with the "*Cremation, Interment and Funeral Services Act*". The *Corporate Officer* shall, within thirty (30) days after the *disinterment* and *interment* of those human remains or *cremated remains*, notify the *director* of the *disinterment* and *interment*.

## **PART 5 – COMMUNICABLE DISEASE**

### **Communicable Disease**

43. The *Corporate Officer*, the *cemetery manager*, or the *caretaker*, upon receiving a request to handle the body of a person who died from anthrax, plague or viral hemorrhagic fever, shall immediately report the request to the *Medical Health Officer*.
44. Where the *Medical Health Officer* directs, pursuant to the *Health Act Communicable Disease Regulations* or otherwise, that a body be buried in a cemetery during any period when the *District's* offices are closed, permission to inter in a cemetery shall be obtained from the *cemetery manager*, or in his absence, the *Corporate Officer*, or the *caretaker*.
45. Where a body delivered to a cemetery for interment is subject to directions of the *Medical Health Officer* under the terms of the *Health Act Communicable Disease Regulations*, the person delivering the body to the cemetery shall inform the *caretaker* of the directions given by the *Medical Health Officer* respecting the *interment* and those directions shall be fully and completely followed by those who perform the *interment*.
46. The *caretaker* who performs an *interment* under the conditions of Sections 44 or 45 shall furnish the *Corporate Officer* full particulars of the *interment* as soon after such *interment* as the *District's* offices are opened, and the representative of the deceased shall furnish the *Corporate Officer* with full details of the deceased, as required by Section 28, together with such fees as may be required in accordance with **Schedule "A"** as soon after such *interment* as the *District's* offices are opened, and the person who permitted the *interment* shall report the matter to the *Corporate Officer* as soon after such *interment* as the *District's* offices are opened.

## **PART 6 – EXHUMATION**

### **Exhumation**

47. No person shall exhume the remains of a deceased person who has been interred in a *plot* unless:
  - (a) they have obtained a written order or permit in accordance with the requirements of the "*Cremation, Interment and Funeral Services Act*" and presented that order to the *Corporate Officer*, or
  - (b) the *Corporate Officer* receives a written request to do so from a person with the right to control the disposition of the human remains in accordance with the "*Cremation, Interment and Funeral Services Act*" and the *Corporate Officer* issues his permission in writing to disinter or exhume the body; and
  - (c) they have paid the fees for disinterment/exhumation set out in **Schedule "A"**.
48. Prior to the execution of the said order or request, any person wishing to exhume the remains of a deceased person must provide the *Corporate Officer* with written proof of whether or not the deceased person at the time of death was known to have had an infectious or contagious disease or other disease dangerous to public health.

49. Upon receiving an order for *exhumation* from the proper authority as required by Section 48 (a), or after granting permission in writing to exhume, the *Corporate Officer* shall notify the *caretaker* before the time of the intended *exhumation*, giving the name of the deceased and the number and location of the *plot* concerned.
50. During *exhumation*, the *caretaker* or other person duly authorized by the *Corporate Services* shall open to the top of the casket only. The Funeral Director must be present to complete the exhumation.

## **PART 7 – CEMETERY PLOT SPACES**

### **Plot Spaces**

51. *Plot Spaces* shall be of the following sizes:
  - (a) Full Plot – *Plots* not less than 2.75 meters (9 feet) in length by 1.2 meters (3.94 feet) in width;
  - (b) Small Plot – *Plots* not less than 1.4 meters (4.6 feet) in length by 1.2 meters (3.94 feet) in width;
  - (c) Cremation – *Plots* not less than 0.9 meters (2.95 feet) in length by 0.9 meters (2.95 feet) in width.

## **PART 8 – COLUMBARIUM NICHES**

### **Columbarium Niches and Urns**

52. The size of the *niche* and the size of the cremation *urns* limit the number of *urns* permitted within a *niche* but in general each *niche* may contain a maximum of two (2) single *urns* and their *cremated remains* or one (1) double *urn* and its *cremated remains*.
53. *Urns* to be placed in *niches* shall be made of metal, stone, porcelain, or other pre-approved non-deteriorative matter, and must be manufactured for the express purpose of containing *cremated remains*.
54. No alterations or embellishments of the *columbarium* or *niches* shall be undertaken without written approval of the *cemetery manager*.
55. The *District* reserves and shall have the right to remove, alter or change any improvements, alterations or embellishments made without written approval of the *cemetery manager* at the expense of the *niche* licensee.

## **PART 9 – FLOWERS AND WREATHS AND OTHER LANDSCAPING**

### **Flowers, Wreaths, and Landscaping**

56. No person other than an employee of the *District* authorized to do so, shall plant, remove, cut down, or destroy any trees, shrubs, plants, flowers, bulbs, fences or rocks in the *cemetery*.

57. Artificial flowers or cut flowers, wreaths and floral offerings may be placed on *plots* in the *cemetery*.
58. At the *columbarium*, only fresh cut flowers may be placed at the base of the columbarium.
59. The *caretaker* may remove any artificial flowers or cut flowers, wreaths and floral offerings from *plots* or *niches* when, in his opinion, their condition detracts from the beauty of the *cemetery* or *columbarium*.

## **PART 10 – MEMORIALS**

### **Memorials – General**

60. All memorials in the cemetery, including columbarium memorial nameplates and memorial portrait enclosures, shall be:
  - (a) consistent with the provisions of this Bylaw and supplied at the expense of the licensee; and
  - (b) installed, or removed, only by the *caretaker*, unless written authorization otherwise has been provided by the *cemetery manager*.
61. No person shall place, or cause to have placed, any memorial on any *plot* or *niche*, until the *Cemetery Licence*, *Interment Permit*, *Care Fund*, and all other *cemetery* fees and charges set out in **Schedule “A”** are fully paid, including the installation fees and Care Fund fees in respect of each memorial to be placed.
62. The *District* shall not be responsible for damage to memorials caused by natural weathering or deterioration, vandalism, or faulty construction.
63. The District will not be responsible for any damage or loss to pictures on memorials, *niche* nameplates, or portraits or their enclosures, except where it can be determined to be a result of maintenance operations.

### **Cemetery Plot Memorials**

64. No *plot* shall be defined by a fence, railing, coping, hedge or by other markings except by a memorial as set out in Section 65 or approved under Section 66, or by a curbing as set out in Section 69.
65. One memorial may be installed on *plots* for each interment therein provided the requirements of Section 71 are fulfilled, and subject to the following:
  - (a) the memorial must be either stone or bronze waterproof material, capable of resisting wear and decay, and shall be on one piece construction;
  - (b) the size of the memorial and its placement on a plot shall at no time result in the memorial extending beyond the boundaries of the *plot*; and

- (c) no memorial shall have a greater length than 91.4 centimeters (36 inches), a greater width than 61 centimeters (24 inches), nor a greater height than 91.4 centimeters (36 inches), though notwithstanding the foregoing, in the case of memorials for cremated remains within cremation plots the maximum size memorial permitted may be excessive relative to the actual plot space available for such memorials and this must be taken into consideration by the person wishing to install the memorial so that the placement of the memorial does not exceed the boundaries of the *plot*.
66. Any person wishing to install on any *plot* a memorial other than as set out in Section 65 of this Bylaw shall submit to the *cemetery manager*, prior to creation of the memorial, a plan of the memorial, showing its size by dimension, siting on the *plot*, elevation, design, and type of material.
67. The *cemetery manager*, upon receiving an application in accordance with Section 65, will review the application, and may grant permission to erect such a memorial if, in his opinion, it will not: create undue maintenance difficulties; extend beyond the boundaries of the *plot*; post any safety hazards to visitors or workers; or, is not out of character for the cemetery, and provided the applicant enters into any special agreement with the *District* deemed necessary regarding any aspect of the memorial including its installation, care and maintenance, temporary or permanent removal.
68. Any application to install a memorial in accordance with Section 65 will not be considered within one (1) year from the date of an *interment* in the *plot*, to allow for settlement of the ground within the *plot*.
69. Any curbing defining a grave space shall be made of concrete laid flush with the level of the ground, and the area surrounded by the curbing shall be filled with such material as will prevent the growth of vegetation.

### Temporary Removal of Memorials

70. The *caretaker* may arrange for the temporary removal of a memorial without the owner's permission if, during the excavation of an adjoining *plot*, the memorial is found to be a hazard to the safety of workers in the excavation or to gain access to a *plot* for grave site preparation. The memorial shall be replaced in its original position on the *plot* from which it was removed as soon as possible after the excavation has been filled, and the owner of the memorial shall not be charged with the cost of the work, and the *District* shall repair at its expense any damage occasioned to the memorial so removed and replaced. In cases where the memorial removed was previously installed without proper authorization, or where the owner of the memorial has entered into an agreement with the *District* in accordance with Section 77 which make him responsible for such costs, or unless he is also the owner of the *plot* in which the excavation is being made, the memorial owner shall be responsible for all costs.

### Columbarium Memorials

71. *Columbarium niche* memorials permitted shall consist solely of nameplates and portrait enclosures, and shall be consistent in design, finish, and manufacture throughout the *columbarium*.

72. In order to maintain continuity of design of the *columbarium*, and to ensure that all niches with *cremated remains* interred are memorialized, the cost of a *niche* memorial nameplate, and its installation fee, in accordance with the fees established in **Schedule "A"** are included in the *Cemetery Licence* fee for a *niche*.
73. One memorial nameplate is permitted for each *niche*, conforming to the following specifications:
- (a) engraving purchased through the District of Houston; and
  - (b) inscriptions shall consist solely of given names and/or initials and surname together with years of birth and death; and one line of text.
73. A maximum of two (2) memorial portrait enclosures are permitted per *niche* conforming to the following specifications:
- (a) purchased through the District of Houston; and
  - (b) only pictures of the deceased are allowed to be affixed to the face of a *niche*; and
  - (c) pictures must be secured in the portrait frames by appropriate adhesives or sealants.

## **PART 11 – CEMETERY CARETAKER**

### **Cemetery Caretaker**

74. *Caretakers* may be appointed by the *cemetery manager* and the duties of the *caretaker* so appointed shall, among other things, be:
- (a) to dig and prepare, open and close all *plots* required and open and close all *niches* required, whenever ordered to do so by the *cemetery manager*;
  - (b) to install all memorials, and to install all *niche* portraits;
  - (c) to ensure the general maintenance work of the *cemetery* that is necessary to keep it in a neat and tidy condition is carried out, including, but not limited to the maintenance of landscaping features, lawns, paths, gates, fences and other *cemetery* improvements;
  - (d) to maintain records as required and submit to the *cemetery manager* whatever reports are required by him;
  - (d) to complete such other work as may be directed by the *cemetery manager* or any person acting for him; and
  - (e) to direct all funerals to the correct *plot* or *niche* in the *cemetery*.

## **PART 12 – FEES AND CHARGES**

### **Fees and Charges**

75. The fees for *Cemetery Licences, Interment Permits or Disinterment services*, use and care of *plots*, use and care of niches, memorials and their installation, and the charges for goods offered for sale by the *District* for use in the *cemetery*, and any other *cemetery* fees, shall be those set out in **Schedule “A”** attached to and forming part of this Bylaw.
76. Where extra labour charges are incurred after regular business hours, excluding *interments* and *disinterments* on Saturdays, Sundays or statutory holidays which have a fee established in **Schedule “A”**, these charges will be done through a work order and invoiced accordingly as set out in **Schedule “A.”**

### **Payment**

77. The fees set out in **Schedule “A”**, shall be paid in advance at the *District’s* office at the time of application for a *Cemetery Licence, Interment Permit, or disinterment* permission, and at the time of purchase any goods or services sold by the *District* in connection with the operation of the *cemetery*.

### **Indigence**

78. In cases of poverty, the *Board* may consider applications for the remission of fees in whole or in part, and in any such case the *Corporate Officer* may remit such fees in whole or in part.

## **PART 13 – CARE FUND**

### **Care Fund**

79. A Care Fund shall be established and administered in accordance with the “*Cremation, Interment and Funeral Services Act*” and with the procedures hereinafter set out.
80. A bank account shall be established to be known as the “Cemetery Care Fund Account” into which the *Financial Officer* shall deposit all funds received for Care Fund purposes, pending investment as herein provided.
81. The *Financial Officer* shall pay into the “Cemetery Care Fund Account,” from the amount received for each *Cemetery Licence* sold, the fee so specified in **Schedule “A”**, except in those cases where a different amount is approved by the *director*.
82. On all *Cemetery Licences* and on all contracts for agreements for the sale of such *Cemetery Licences*, the amount required to be used for Care Fund purposes shall be specified, provided that the amount so specified shall not apply to *plots* or *niches* made available by the *District* free of charge for indigent *interment*.
83. Investment of funds received for Care Fund purposes shall be made as required by the “*Cremation, Interment and Funeral Services Act*”, and in accordance with the *Community Charter*.

84. The income from the Care Fund including any appreciation thereof, shall be used for the sole purpose of operation and maintenance of the *plots* or *niches* licenced and the *cemetery* of which they form part, and the original principal sum of such fund as established from time to time, shall be maintained at all times.
85. A separate account of all monies received under the provisions of this Bylaw and of all monies expended in relation to the *cemetery* shall be kept by the *Financial Officer* and any surplus remaining of receipts over expenditures shall be paid at the end of each financial year into the "Cemetery Care Fund Account" and shall be invested by the *Financial Officer* as per Section 84 and the interest derived from such investment shall be expended on the operation and development of the *cemetery*.

## **PART 14 – GENERAL**

### **General**

86. No person shall damage, destroy, mutilate, deface, injure, or remove, any *plot*, *niche*, marker, monument, memorial, fence, gate, railing, or other work, structure or any other improvement in the *cemetery*.
87. No person shall willfully destroy, cut, break, or injure any shrub or plant in the *cemetery*.
88. No person shall play any game or sport in the *cemetery*.
89. No person shall willfully or unlawfully disturb persons assembled for the purpose of interring a body or *cremated remains* in the *cemetery*.
90. No person shall commit a nuisance, or behave in an indecent and unseemly manner, at any time in the *cemetery*.
91. Any person not behaving with proper decorum within the *cemetery*, or disturbing the quiet and good order of the *cemetery*, may be evicted by the *caretaker*.
92. No person shall deposit any rubbish or offensive matter or thing in the *cemetery*.
93. No person shall drive a vehicle in the *cemetery* at a speed exceeding 15 kilometers per hour.
94. All vehicle movements within the *cemetery* grounds shall be subject to the direction and orders of the *caretaker*.
95. All persons and funeral procession in the *cemetery* shall obey the reasonable instructions of the *caretaker*.
96. The *cemetery* shall be deemed open to visitors at 8:00 a.m. every morning and shall be deemed closed to all persons every evening at either sunset or at 8:00 p.m., whichever comes first.
97. No person shall enter or remain in the *cemetery* before it is deemed open or after it is deemed closed without special permission of the *cemetery manager* or the *caretaker*.

98. No person shall solicit orders for markers, tablets, memorials, or like works within the limits of the *cemetery*.

**PART 15 – OFFENCES AND PENALTIES**

**Violation and Penalty**

99. Every person who violates any of the provisions of this Bylaw, or who causes, suffers, or permits any act or thing to be done in contravention or in violation of any of the provisions of this Bylaw, or who refuses, neglects or refrains from doing anything required to be done by any of the provisions of this Bylaw, or who fails to comply with any order, direction or notice given under this Bylaw, is guilty of committing an offence against this Bylaw and is liable on summary conviction to a fine not exceeding Ten Thousand Dollars (\$10,000.00) or to imprisonment for not more than six (6) months, or to both, and the cost of prosecution.
100. Where an offence under this Bylaw is of a continuing nature, each day that the offence continues or is permitted to exist shall constitute a separate offence.

**PART 16 – SEVERABILITY**

**Severability**

101. If any section, subsection, clause, sub clause, phrase or any other part, of this Bylaw is for any reason held to be invalid, void or ineffective by the decision of any court of competent jurisdiction, the part in question is to be severed from the rest of this Bylaw and that does not affect the validity of the remainder of this Bylaw, which is to be interpreted and applied as if this Bylaw had been enacted without the severed part.

**PART 17 – REPEAL**

**Repeal**

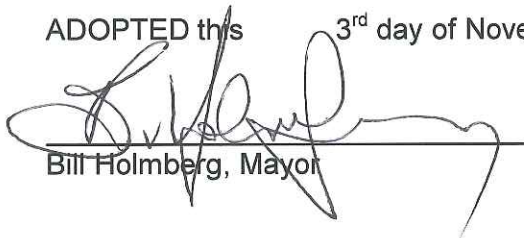
102. The “District of Houston Cemetery Bylaw No. 738, 1997” and its amendments are hereby repealed.

READ A FIRST TIME this 20<sup>th</sup> day of October, 2009

READ A SECOND TIME this 20<sup>th</sup> day of October, 2009

READ A THIRD TIME this 20<sup>th</sup> day of October, 2009

ADOPTED this 3<sup>rd</sup> day of November, 2009

  
Bill Holmberg, Mayor

  
\_\_\_\_\_  
Linda Poznikoff.  
Director of Corporate Services