



CORPORATION OF THE DISTRICT OF TOFINO

Cemetery Bylaw No. 1086, 2009

Consolidated for Convenience Only

This is a consolidated version of the parent bylaw that incorporates changes made pursuant to the following amendment bylaws:

Amendment Bylaw	Effective Date
Bylaw No. 1108, 2010	February 9, 2010

This consolidation is for convenience and reference purposes only. Persons making use of this consolidated version of Bylaw No. 1086 are advised that it is not a legal document. For the purposes of interpreting and applying the law, the original Bylaw No. 1086 and all amending bylaws must be consulted.

Bylaw numbers appearing in the margin of this consolidated version refer to the applicable amendment bylaw.



DISTRICT OF TOFINO

CEMETERY BYLAW

BYLAW NO. 1086, 2009

**A Bylaw Relating to the Operation and Maintenance
of the Seaview Cemetery in the District of Tofino**

The Council of the District of Tofino, in the Province of British Columbia, in open meeting assembled, HEREBY ENACTS AS FOLLOWS:

Title

1. This bylaw may be known and cited for all purposes as the "District of Tofino Cemetery Bylaw No. 1086, 2009".

Definitions

2. In this Bylaw:

Administrative Authority shall mean the Business Practices and Consumer Protection Authority established under the *Business Practices and Consumer Protection Act*.

Caretaker shall mean the person or persons duly appointed or employed by the District from time to time as Caretaker or Caretakers of the Seaview Cemetery.

Cemetery shall mean and include any parcel or tract of land set aside, used, maintained or operated as a cemetery by the District.

Columbarium shall mean a vault with niches for urns that contain the ashes of cremated remains.

Control of Disposition shall mean the person with authority to control the disposition of the human or cremated remains in accordance with the Cremation, Interment and Funeral Services Act

Council shall mean the Council of the District of Tofino.

Cremated Remains shall mean the remains resulting from cremation of a deceased human body.

Crematorium shall mean a building or a part of a building fitted with approved appliances for the purpose of cremating human remains and includes everything incidental or ancillary to it.

Director shall mean a person designated by the Minister and appointed under the Public Service Act and or the administrative authority as defined in the *Business Practices and Consumer Protection Act*.

Disinterment shall mean the removal of human remains, along with the casket or container or any of the remaining casket or container holding the human remains, from the grave space in which the human remains had been interred.

District shall mean the Corporation of the District of Tofino, and its agents.

Exhumation shall mean the exposure of interred human remains for viewing or for examination, whether in or removed from the grave space in which the human remains have been interred.

Human Remains shall mean a dead human body in any stage of decomposition, but does not include cremated remains.

Infant shall mean any person up to the age of one year.

District of Tofino Cemetery Bylaw No. 1086, 2009

Interment shall mean disposition by:

- (a) burial of human remains or cremated remains in a cemetery, or
- (b) entombment of human remains in a mausoleum, or
- (c) inurnment of cremated remains in a columbarium.

Mausoleum shall mean a structure or building that contains interior or exterior crypts designed for the entombment of human remains.

Medical Health Officer shall mean the person duly appointed from time to time by the Ministry of Health or Vancouver Island Health Authority to act as Medical Health Officer for the District of Tofino.

Memorial shall mean:

- (a) a marker, headstone, tombstone, monument, plaque, tablet or plate on a grave space, or
- (b) an inscription or lettering and ornamentation on a crypt or niche front used to identify a grave space or memorialize the deceased.

Minister shall mean that member of the Executive Council charged by Order of the Lieutenant-Governor-in-Council with the administration of the Cremation, Interment and Funeral Services Act and includes a person designated in writing by the Minister.

Non-Resident shall mean any person who has not lived within the municipal limits for more than (1) year.

Obelisk shall mean a four-sided stone pillar set up as a monument to which memorial plaques are fastened.

Right of Interment shall mean a right, acquired by purchase, inheritance or transfer, for the interment of human remains or cremated remains in a grave space.

General

- 3. The District is hereby empowered to establish, lay out, develop, improve, maintain and operate a cemetery known as Seaview Cemetery on the following described land:

Block A, District Lot 254, Clayoquot District

- 4. A copy of the plans of the cemetery shall be kept available for public inspection at the Municipal Office and at such other places as may be deemed necessary.

Interment Rights and the Use of Grave Spaces

- 5. The Council may, by agreement with a society, church or other organization, reserve a section of the cemetery to be used exclusively for the interment of deceased members of the society, church, or other organization concerned, and upon such an agreement being made, no person shall be issued with an Interment Right Contract to use grave space in the reserved section, unless his application to the District to purchase Interment Rights is accompanied by a certificate from the society, church, or organization concerned, stating that he, or the person on whose behalf he may be acting, is entitled to burial in the reserved section. All Interment Right Contracts issued and services rendered by the District under these conditions shall be subject to payment at the rates set forth in Schedule "C" attached hereto and forming part of this bylaw.
- 6. Subject to Section 5 of this bylaw, the Council may grant to any person paying the fees a contract 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, and, upon payment of said fee, such person or persons shall be entitled to receive a contract in the form outlined in Schedule "A" attached hereto and forming part of this bylaw.
- 7. The Council reserves to itself the right to refuse to sell the use of more than two grave spaces

District of Tofino Cemetery Bylaw No. 1086, 2009

to any one individual.

District of Tofino Cemetery Bylaw No. 1086, 2009

8. The issuance of an Interment Right Contract does not entitle the holder to require the District to inter the human remains or cremated remains of the designated person in the grave space unless the Interment Right Holder complies with all provisions of this bylaw, including, without limitation, the payment of all fees related to the interment, and obtains an Interment Permit.
9. All Interment Right Contracts issued for use of grave space in the cemetery shall be subject to the provisions of this bylaw and all bylaws now or hereafter passed by Council.

Transfer and Surrender of Interment Rights

10.
 - a) Where the holder of a contract to use and occupy grave space in the cemetery wishes to transfer his right of use and occupancy to another person, he shall first submit an application for Interment Right Transfer as set out in Schedule "D", and such other information as the District may reasonably request. The provision of such information shall not bind the District to accept or permit the proposed transfer.
 - b) If the contract to be transferred relates to a grave space located in an area reserved under an agreement made between the Council and an organization pursuant to Section 5 of this bylaw, the requirements of said Section 5 concerning entitlement to burial in a reserved section of the cemetery shall apply to the person to whom the transfer is to be made.
 - c) Upon acceptance by the District of the transfer fee prescribed in Schedule "C" of this bylaw, and upon compliance with the requirements of this bylaw by the contract holder and the person to whom the contract is to be transferred, the District shall effect the desired transfer by an endorsement upon the contract and shall record the transfer in the books or other records kept for that purpose.
11. An Interment Right Contract may be surrendered to the District. A refund, equal to the purchase price less the Cemetery Care Fund contribution and Surrender fee, will be issued to the Interment Right Holder provided:
 - a. there are no interments in the designated grave space;
 - b. the Interment Right Holder or his executor provides written notice to the District of intent to surrender the right (Schedule "E");
 - c. the original license or Interment Right Contract is surrendered;
 - d. the applicable Surrender Fee is paid; and
 - e. any fees for the removal of any memorial that is on, or embracing the surrendered grave space, is paid.

Reclamation of Interment Rights

12. With prior approval of the director, the District may sell a right of interment for a grave space in a place of interment where the right of interment for the grave space has been sold previously, but only if
 - (a) the owner of the right of interment is at least 90 years of age or, if living, would be at least 90 years of age,
 - (b) a period of at least 50 years has elapsed from the date the prior right of interment was sold,
 - (c) at least 90 days have passed since the date the operator sent a notice of the operator's intention to resell the right of interment to the last known address of the interment right holder and the operator has not received a response from the interment right holder, and
 - (d) the operator has made diligent attempts to contact the interment right holder but is not able to locate or contact the interment right holder.

Fees and Charges

13.
 - a) The fees for interment, disinterment, use of grave space, and care of graves, and the charges for goods offered for sale by the District for use in the cemetery, and any other

District of Tofino Cemetery Bylaw No. 1086, 2009

cemetery fees set out in Schedule “C” of this bylaw are hereby imposed.

- b) The fees set out in Schedule “C” of this bylaw shall be paid at the Municipal Office at the time of purchasing an Interment Right Contract, Interment Permit, or any goods or services sold by the District in connection with the operation of the cemetery.

Size of Grave Spaces

- 14. The approximate size of grave spaces shall be:

Adult	2.4 m x 1.22 m (8 ft x 4 ft.)
Infant/ Cremated Remains	1.22 m x 0.81 m (4 ft. X 2.66 ft.)

Interment Permit

- 15. No body shall be interred in the cemetery until a permit to inter the body has been obtained from the District and the fee for interment as specified in Schedule “C” of this bylaw has been paid to the District, except as may be permitted otherwise under the terms of Section 19 of this bylaw.
- 16. All permits for interments of deceased persons in the cemetery shall be in the form of Schedule “B” attached hereto and forming part of this bylaw.
- 17. All applications for a permit to inter in the cemetery must be made to the District at the Municipal Office between the hours of 9:00 a.m. and 4:00 p.m. on all days of the week except Saturday, Sunday and Statutory Holidays, and in emergency conditions as specified in Section 19 of this bylaw.
- 18. Any person who makes application for an Interment Permit or who requires an interment to be made, shall provide the District with a statement of the name, age, and date of death of the deceased, whether or not death was caused by a communicable disease pursuant to the Regulations for the Control of Communicable Diseases, the time and date of the funeral, and any other information which is reasonable for the District to request.
- 19. No person shall be granted a permit to inter in an area of the cemetery which Council has reserved under the provisions of Section 5 of this bylaw for burial of members of a church, society, or other organization, except where the applicant for the permit furnishes the District with a Certificate from the organization for whom the area has been reserved, stating that the deceased person for whom the permit is required is entitled to burial in the reserved area.
- 20.
 - a) Where the Medical Health Officer directs, pursuant to the regulations for the Control of Communicable Disease or otherwise, that a body be buried in the cemetery during any period when the District Office is closed, permission to inter in the cemetery shall be obtained from the Caretaker or the District.
 - b) Where a burial in the cemetery is performed under the conditions of Section 19(a), the person who permitted the burial and the person who performed the burial shall report the matter to the District with full details of the deceased as required by Section 15 of this bylaw, together with such fees as may be required in accordance with Schedule “C”, if such fees have not already been paid.
 - c) The information required to be given to the District under the terms of Section 19(b) shall be provided to the District as soon after such interment as the Municipal Office is opened.
- 21. It shall be unlawful to bury or cremate a deceased person within the District municipal boundary except pursuant to the terms of the Cremation, Interment and Funeral Services Act and regulations thereunder.

Exhumations and Disinterments

- 22. Pursuant to the Cremation, Interment and Funeral Services Act, a cemetery must not exhume or disinter human remains until:
 - a) The Caretaker receives a written request to do so from the person who has the Control

District of Tofino Cemetery Bylaw No. 1086, 2009

of Disposition of the remains;

- b) Approval of the exhumation by the Administrative Authority is received by the Caretaker unless the remains are being interred in another grave space in the cemetery;
- c) the Caretaker gives written notice to, and receives permission from, the Medical Health Officer 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
- d) Payment of the prescribed fee is received.
- e) The person applying for the exhumation assumes responsibility for any damage that may occur to a casket, urn, or other container as a result of the exhumation.

23. The District's responsibility with respect to exhumations or disinterment is limited to:

- a) Excavation of sufficient quantities of soil to permit access to the human or cremated remains;
- b) Removal of intact burial containers; and
- c) Closure of the grave space.

The District does not assume any responsibility for damage that may occur to a casket, urn, or other container.

24. In accordance with the Cremation, Interment and Funeral Services Act, unless human remains are disinterred from one grave space in a cemetery or mausoleum for re-interment into another grave space in the same cemetery or mausoleum, the person who makes a request for the exhumation or disinterment must ensure that the funeral provider receives the human remains immediately after the grave space is opened. A funeral provider is employed at the expense of the Interment Right Holder or their successors.

Interment in the Cemetery

25. 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 and all interments shall be subject to and comply with the provisions of this bylaw.

26. The holder of an Interment Right Contract to use and occupy grave space in the cemetery shall not permit an interment to be made in the grave space to which the contract refers, nor transfer nor dispose of said grave space to another person, group or organization, unless such interment, transfer or disposal is made pursuant to the provisions of this bylaw.

- 27. a) Where the body of a person who died while suffering a communicable disease is to be buried in the cemetery, any instructions given by the Medical Health Officer respecting the interment shall be fully and carefully followed by those who perform the interment.
- b) Where the body delivered to the cemetery for interment is subject to direction of the Medical Health Officer under the terms of the Public Health Act, the person delivering the body to the cemetery shall inform the Caretaker or the District.

28. a) Each interment in the cemetery, other than the interment of cremated remains, shall provide for not less than one metre (three feet) of earth between the general surface level of the ground at the grave site and the upper surface of the vault, casket or grave liner enclosing the body resting in the grave.

b) The maximum number of interments per grave space shall be as follows:

- i) In an adult size grave space four interments of cremated remains or one interment of a deceased human body and not more than three interments of cremated remains.

District of Tofino Cemetery Bylaw No. 1086, 2009

- ii) In a cremated remains/infant size grave space one interment of cremated remains or infant remains.
 - c) Except for memorial bases as described in Section 40(g) of this bylaw, each interment of cremated remains in the cemetery shall be made in a sealed non decomposable container.
 - d) Each cremated remains container shall be buried in a grave not less than 0.6m (2 feet) deep, except where a concrete encased container of cremated remains is used as a foundation-base for a tablet memorial installed on the grave according to the requirements of Section 41(g) of this bylaw.
 - e) On and after the date of this bylaw, a grave liner may be used for each interment, except where cremated remains are interred according to the requirements Sections 28 (c) & (d).
29. No person shall inter any body in the cemetery except between the hours of 8:00AM and 4:00PM.
30. No person shall inter any body in the cemetery on Saturday or Sunday or a statutory holiday unless the written permission of the District is first obtained, except in the emergency conditions as specified in Section 19 of this bylaw.
31. No grave shall be dug or opened by any person other than the Caretaker or person duly authorized by the Caretaker or by the District.
32. a) When the body of a deceased person or the cremated remains of a deceased person is or are placed in a mausoleum or above-ground vault in the cemetery, such action shall be deemed to be an interment in the cemetery.
- b) Except those terms and requirements contained in Section 27 of this bylaw, all interments in a mausoleum or above-ground vault in the cemetery shall be performed in accordance with the instructions of the Caretaker or the District, and in accordance with the terms and requirements of this bylaw.

Cemetery Caretaker

33. Council may authorize the appointment of a cemetery caretaker, and the duties and responsibilities of a caretaker so appointed shall be, among other things, to carry out, or cause to be carried out by cemetery workmen under his supervision:
- a) The digging, preparation, opening and closing of graves as ordered by the District.
 - b) The direction of all funerals in the cemetery to the correct grave site.
 - c) The installation of memorial tablets, markers and monuments on graves and the construction of their foundations or bases.
 - d) The general work of the cemetery: to maintain it in a neat and tidy condition, including the maintenance of walls, fences, gates, paths and other cemetery improvements.
 - e) The provision of care of the cemetery tools and equipment.

Administration and Cemetery Care Fund

34. The District shall maintain records as necessary to the administration and management of the cemetery and as required under the Cremation, Interment and Funeral Services Act.
35. The CAO is hereby authorized on behalf of the District to grant a license in the form set out in Schedule "A" of this bylaw in respect of any unlicensed grave space in the cemetery, according the scale of fees and charges specified in Schedule "C" of this bylaw and subject to the provisions of this bylaw.
36. The District shall issue all permits for interment required by this bylaw except as otherwise provided herein.

District of Tofino Cemetery Bylaw No. 1086, 2009

37. Upon issuing any permits for interment in the cemetery, or upon viewing an order for exhumation from the proper authority as required by Section 21 of this bylaw, the District shall notify the Caretaker before the time of the intended interment or exhumation, giving the name of the deceased, the number and location of the grave space concerned, and any instruction of the Medical Health Officer relative to the interment or exhumation.
38. a. A fund shall be established to be known as the Cemetery Care Fund and such fund shall be administered in accordance with the requirements of the Cremation, Interment and Funeral Services Act and regulations 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 Treasurer shall pay all funds received for care fund purposes and all such funds shall be deposited in said account, and there held, pending investment as hereinafter provided.
- c. On all licences for use of grave space sold on and after adoption of this bylaw, the Treasurer shall pay into the Cemetery Care Fund from the amount received for each licence sold at the fee specified in Schedule "C" of this bylaw, 25 percent or \$15.00, whichever is the greater, except in those cases where a different amount is approved by the Director of Administrative Authority.
- d. On all licences for the use of a grave space, and on all contracts or agreements for the sale of such licences, the amount required to be used for Care Fund purposes shall be specified.
- e. Investment of funds received for care fund purposes shall be made as required by the Regulations to the Cremation, Interment and Funeral Services Act applicable to municipal Cemetery Care Funds.
- f. The income from the Cemetery Care Fund, including any appreciation thereof, shall be used for the sole purpose of upkeep and maintenance of the property licensed, and the cemetery of which it forms a part.
- g. 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.
39. A separate account of all monies received under the provisions of this bylaw and of all monies expended hereunder shall be kept by the Treasurer and any surplus remaining of receipts over expenditures shall be paid at the end of each financial year into a fund to be known as the Cemetery Care Fund and said surplus shall be invested by the District as required by the regulations under the Cremation, Interment and Funeral Services Act applicable to the municipal Cemetery Care Funds. The income from the Cemetery Care Fund, including any appreciation thereof, shall be used for the sole purpose of upkeep and maintenance of the property licensed and cemetery of which it forms part.

Memorials

40. On and after the adoption of this bylaw, no person shall place on any grave in the cemetery a memorial marker or tablet until an amount of (\$10.00) ten dollars has been paid to the District for care fund purposes in respect to each memorial or tablet to be installed.
41. A tablet type memorial may be installed on a grave in the cemetery provided the installation fee, as set out in Schedule "C" of this bylaw, is paid and the tablet is made of durable stone or bronze and conforms to the following:
- a) Each memorial tablet shall be installed with its top surface level and flush with the surface of the ground.
- b) Each bronze memorial tablet shall be attached to a concrete base of not less than 10cm (4 inches) thick, with side surfaces true and perpendicular with the top surface of the attached tablet.

District of Tofino Cemetery Bylaw No. 1086, 2009

- c) Each tablet of durable stone shall be not less than 7.5 cm (3 inches) thick and shall have its side surfaces true and perpendicular with the top surface.
 - d) The top surface of memorial tablets and concrete bases for the memorialisation of one person shall be no larger than: 30 cm x 50 cm (12 inches x 20 inches); and no smaller than: 20 cm X 28 cm (8 inches x 12 inches) except that where two related persons are buried side by side in adjacent graves, one 45 cm x 75 cm (18 inches x 30 inches) tablet which provides for memorialisation of both persons may be used instead of two separate tablets provided the single tablet so used is set to embrace evenly the two graves.
 - e) 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 Section 41 (d) above, and provided the part of the base extending beyond the tablet does not exceed 5 cm (2 inches) wide and has a smooth, slightly bevelled surface to shed water at its outer edges.
 - f) Only one memorial tablet per interment may be installed on each grave space.
 - g) For memorialisation of cremated or infant remains, a memorial base which conforms to the requirements of Section 41 (d) and which supports either a stone or bronze tablet, may enclose a container of cremated remains of a deceased person provided such container, except for the top, is encased in concrete not less than 4 cm (1.5 inches) thick.
 - h) Raised inscriptions shall only be permitted on memorial tablets when the letter is not raised more than 6 mm (1/4 inch) above the face of such tablet.
42. Notwithstanding Section 41 of this bylaw the District may, by agreement with a society, church or other organization which has reserved a section of the cemetery pursuant to Section 5 of this bylaw, provide for the installation of markers in an upright position within the said reserved section on such terms and conditions as set out in the agreement.
43. All memorial tablets shall be delivered to the Caretaker for installation by District workmen under the direction of the Caretaker; such bases as may be required shall be supplied by the District. The Caretaker shall not accept delivery of any memorial tablet until he has satisfied himself that a Memorial Permit (Schedule "F") has been submitted with the appropriate fees and that there are no outstanding charges in respect of the grave space or grave spaces under or on which such tablet is intended to be installed and shall refuse to accept delivery of any tablet which does not conform to the requirements of this bylaw.
44. No grave or grave space shall be defined by a fence, railing, coping, curbing, hedge or by other marking save by a memorial marker or tablet as set out in Section 41 of this bylaw or as provided pursuant to an agreement under Section 42 of this bylaw.

Memorial Plaques

45. A memorial plaque may be installed on the obelisk in the cemetery provided the installation fee, as set out in Schedule "C" of this bylaw, is paid and the plaque conforms to the following:
- a) Each memorial plaque shall be made of bronze with the border and lettering on black background and will only consist of the name of the deceased and the years of birth and death.
 - b) Each memorial plaque shall have a base size of 17 cm (6 - 5/8 inches) x 7 cm (2¾ inches).
46. All memorial plaques shall be ordered by and installed on the obelisk by the District staff under the direction of the Caretaker.

General Requirements

47. Every person, including those in funeral processions, when entering and while within the cemetery, shall obey the instructions of the Caretaker.

District of Tofino Cemetery Bylaw No. 1086, 2009

48. No person shall disturb the peace, quiet and good order of the cemetery.
49. The Caretaker may require a person who contravenes Section 48 to immediately leave the Cemetery.
50. No person shall discharge any firearm within the 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.
51. The cemetery shall be deemed be open to the public at sunrise every morning and closed to the public at sunset every evening.
52. Cemetery roadways are for the exclusive use of Interment processions, cemetery patrons, or others as approved by the Administrator. Vehicles shall not exceed twenty (20) kilometres per hour. All operators of vehicles shall at all times obey the directions and orders of the Caretaker.
53. No person owning or having custody, care or control of a dog shall allow the dog to be within the cemetery unless the dog is kept on a leash of a maximum length of three (3) metres.
54. No person owning or having custody, care or control of a dog shall allow the dog 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.
55. Floral tributes may be removed by the Caretaker and disposed of when their condition is considered to be detrimental to the appearance and beauty of the cemetery.
56. No person, other than the Caretaker, shall plant, remove, cut down or destroy any tree, shrub, plant, flower, bulb or decorative feature within the cemetery.
57. No grave space shall be defined by a fence, railing, coping, hedge or by any other marking except a Memorial as permitted in the Memorial provisions of this By-law.
58. No person, other than the Administrator, shall solicit orders for goods or services within the cemetery.
59. No person shall destroy, damage or deface any grave space, memorial, fence, vegetation, gate or any structure in the cemetery or injure or destroy any cemetery improvements.
60. No person shall deposit any rubbish or offensive material within the cemetery.
61. No person shall play any game or sport within the cemetery.
62. No person shall carry, or possess, a bottle or other container of liquor as defined in the *Liquor Control and Licensing Act* (British Columbia) while in the cemetery.
63. Any person in the cemetery without special permission of the Caretaker, between sunset and sunrise, shall be deemed guilty of an infraction of this bylaw and liable to the penalties hereof.

Penalties

Bylaw
1108

64. Every person who contravenes any provision of this bylaw, or who suffers or permits any act or thing to be done in contravention of this bylaw, or who refuses, omits, or neglects to fulfil, observe, carry out, or perform a duty or obligation imposed by this bylaw, shall be deemed to have committed an offence against this bylaw and:
 - a) shall be liable to a fine set out in the District of Tofino Municipal Ticket Information System Bylaw No. 1088, 2009 as amended from time to time; or
 - b) shall be liable to a penalty set out in the District of Tofino Bylaw Notice Enforcement and Dispute Adjudication System Bylaw No. 1107, 2009 as amended from time to time; or
 - c) shall be liable, upon summary conviction, to the penalties provided under the Offence

District of Tofino Cemetery Bylaw No. 1086, 2009

Act and amendments thereto; or

d) any combination of 64 a), b), and c).

65. Notwithstanding anything herein contained, the administration and operation of the cemetery shall be carried out at all times in accordance with the Cemetery and Funeral Services Act and Regulations made thereunder.

Administration

66. If any portion of this bylaw is declared ultra vires by the Court of Competent Jurisdiction, that portion shall be deemed to be severed from the bylaw to the intent that the remainder of the bylaw shall continue in full force and effect.

By-laws Repealed

67. "District of Tofino Seaview Cemetery Operations and Maintenance Regulation Bylaw 612, 1993" and all amendments thereto are hereby repealed.

READ A FIRST TIME this 28th day of July, 2009

READ A SECOND TIME this 28th day of July, 2009

READ A THIRD TIME this 28th day of July, 2009

RECONSIDERED AND ADOPTED this 25th day of August, 2009

John Fraser, Mayor

Bob Long, CAO

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 1086, 2009, cited as the "District of Tofino Cemetery Bylaw No. 1086, 2009" as adopted by Council this 25th day of August, 2009.

Bob Long, CAO

District of Tofino Cemetery Bylaw No. 1086, 2009

SCHEDULE "A"

ATTACHED TO AND FORMING PART OF BYLAW NO. 1086, 2009

DISTRICT OF TOFINO
121 Third Street, PO Box 9, Tofino, BC V0R 2Z0
250-725-3229 Fax 250-725-3775 www.tofino.ca

INTERMENT RIGHT CONTRACT

Grave Space: _____ Row: _____ Section: _____

Right of Interment Contract between the District of Tofino and

Contract Holder: _____ Phone: _____

Address: _____ Postal Code: _____

IN CONSIDERATION of the price paid by the Contract Holder to the District, the parties covenant and agree, subject to the *Cremation, Interment and Funeral Services Act*, as follows:

Grave Space	_____
Care Fund	_____
Opening/Closing	_____
Other	_____
Taxes	_____
TOTAL	_____

1. The District hereby grants to the Contract Holder a **right to use** the above grave space in the Seaview Cemetery for the interment of human or cremated remains subject to terms of the District of Tofino Cemetery Bylaw No. 1086, 2009, upon payment of the applicable fee and receipt of an Interment Permit.
2. The Contract holder acknowledges that this agreement is for the **use of the** grave space and that an additional charge will be payable in accordance with the District of Tofino Cemetery Bylaw No. 1086, 2009 for an Interment Permit prior to use of the grave space for the interment process carried out by the District.
3. The Contract Holder is hereby notified that memorial markers made only of durable stone or bronze are permitted in the cemetery and that, prior to the installation of a memorial marker on the above licensed grave space, a payment is required to be made by the purchaser to the District of Tofino as per Schedule "C".
4. The right to the grave space under this Agreement may be **transferred** by the Contract Holder to another party who wishes to use the grave space, if the grave space is unused, upon the Contract Holder and that other person making an application to the District (Schedule "D"), paying the transfer fee prescribed in the District of Tofino Cemetery Bylaw No. 1086, 2009, and surrendering the original Interment Right Contract.
5. The Contract Holder may **surrender** the Interment Right Contract to the District by submitting a request in writing as set out in Schedule "E". A refund, equal to the purchase price less the Cemetery Care Fund contribution and administration fee, will be issued to the Contract Holder subject to Section 11 of District of Tofino Cemetery Bylaw No. 1086, 2009 provided there are no Interments or Memorials in the designated grave space.
6. The Contract Holder is hereby advised that, in certain limited circumstances outlined in Section 43 of the *Business Practices and Consumer Protection Act*, this agreement may be **cancelled** and refunded in full.
7. The District reserves the right to **reclaim** the interment rights for any unused grave space where such reclamation shall be carried out in compliance with Section 25 of the *Cremation, Interment and Funeral Services Regulations*:

25 (1) With prior approval of the director, an operator may sell a right of interment for a lot in a place of interment where the right of interment for the lot has been sold previously, but only if

 - (a) the owner of the right of interment is at least 90 years of age or, if living, would be at least 90 years of age,
 - (b) a period of at least 50 years has elapsed from the date the prior right of interment was sold,
 - (c) at least 90 days have passed since the date the operator sent a notice of the operator's intention to resell the right of interment to the last known address of the interment right holder and the operator has not received a response from the interment right holder, and
 - (d) the operator has made diligent attempts to contact the interment right holder but is not able to locate or contact the interment right holder.
8. This **Agreement** is binding upon the District and its successors and assigns and on the **Contract Holder** and his or her heirs, executors, administrators and personal representatives if they comply with all the applicable provisions of the District of Tofino Cemetery Bylaw No. 1086, 2009 prior to the use of the Grave space.

Rights Holder Signature

District of Tofino Authorized Signature

Date: _____

Date: _____

District of Tofino Cemetery Bylaw No. 1086, 2009

SCHEDULE "B"

ATTACHED TO AND FORMING PART OF BYLAW NO. 1086, 2009

DISTRICT OF TOFINO
121 Third Street, PO Box 9, Tofino, BC V0R 2Z0
250-725-3229 Fax 250-725-3775 www.tofino.ca

INTERMENT PERMIT

Grave Space: _____ Row: _____ Section: _____ Grave space Occupied: Yes No
Date of Application: _____ Time: _____

DECEASED INFORMATION

Name: _____ Age: _____
Address: _____ Sex: _____
Date of Birth: _____ Place of Birth: _____
Date of Death: _____ Place of Death: _____

NEXT OF KIN INFORMATION

Name: _____ Relationship to Deceased: _____
Address: _____ City/Province: _____
Postal Code: _____ Phone: _____ E-mail: _____

PERSON WITH CONTROL OF DISPOSITION OF REMAINS (if different from Next of Kin)

Name: _____ Relationship to Deceased: _____
Address: _____ City/Province: _____
Postal Code: _____ Phone: _____ E-mail: _____

INTERMENT Full Burial Cremation Burial Cremation Certificate Attached: Yes No

Interment Date: _____ Day: _____ Time: _____
Funeral Director: _____ Family Present at Graveside: Yes No
Signature: _____ Date: _____ Contact #: _____

(To confirm above arrangements)

No arrangement will be made without Funeral Directors Confirmation which can be faxed to 250-725-3775.

ACKNOWLEDGEMENT OF AUTHORITY

By signing this form, I **certify and represent to the District of Tofino** that I am the legally authorized representative of the above named deceased person, and that I have authority for the control of the disposition of human remains in accordance with the order of priority set out in section 5 of the *Cremation, Interment and Funeral Services Act*. I acknowledge that the District is relying on this representation. I further agree to indemnify and save harmless the District of Tofino, its officers and employees, from all actions, liability, costs, expenses, demands or claims resulting from this authorization. I hereby authorize the interment of the above named deceased under the terms and conditions outlined herein and accept the responsibility for costs associated with this authorization. I acknowledge that the interment must comply with District of Tofino Cemetery Bylaw No. 1086, 2009.

Signature of Person with Control of Disposition of Remains Print Name Relationship to Deceased

For Internal Use Only		
Received by: _____	Date: _____	Receipt #: _____
Funeral Director Confirmation Received on: _____		
Public Works notified by: _____	Date: _____	Time: _____
Public Work Employee for Opening/Closing: _____		
Interment Confirmed by: _____	Death/Cremation Certificate Filed on: _____	

District of Tofino Cemetery Bylaw No. 1086, 2009

SCHEDULE "C"

ATTACHED TO AND FORMING PART OF BYLAW NO. 1086, 2009

DISTRICT OF TOFINO
121 Third Street, PO Box 9, Tofino, BC V0R 2Z0
250-725-3229 Fax 250-725-3775 www.tofino.ca

SCALE OF FEES AND CHARGES

GRAVE SPACE

	CEMETERY CARE FUND (Included in Total Fee)	TOTAL FEE (Taxes not included)
Adult Size	\$175.00	\$700.00
Non-Resident Adult Size	\$225.00	\$900.00
Cremated Remains/Infant Size	\$50.00	\$200.00
Non-Resident Cremated Remains/Infant Size	\$62.50	\$250.00

SERVICES

OPENING AND CLOSING OF GRAVE FOR BURIAL:

Adult Size	\$450.00
Cremated Remains/Infant Size	\$250.00
Evening Surcharge for Burials after 4:00 p.m., Monday to Friday	\$350.00
Weekend Surcharge for Burials on Saturday, Sunday or Statutory Holiday	\$450.00

OPENING AND CLOSING OF GRAVE FOR EXHUMATION:

Adult Size	\$900.00
Cremated Remains/Infant Size	\$500.00

TRANSFER AND SURRENDER OF INTERMENT RIGHTS:

Transfer of Interment Rights	\$ 100.00
Surrender of Interment Rights	\$ 100.00

INSTALLATION OF MEMORIALS

Installation fee includes the Cemetery Care Fund of \$10.00 and concrete base for the bronze memorials. All applicable taxes are extra.

<u>Size</u>	<u>Durable Stone</u>	<u>Bronze</u>
20 cm x 28 cm (8" x 12")	\$150.00	\$200.00
25 cm x 45 cm (10" x 18")	\$175.00	\$225.00
30 cm x 50 cm (12" x 20")	\$200.00	\$250.00
45 cm x 75 cm (18" x 30") [over two (2) adjacent graves only as per section 41(d)]	\$225.00	\$275.00
Removal for engraving and reinstallation of memorials		\$200.00
<u>MEMORIAL PLAQUES</u> – includes purchase and installation		\$300.00

Effective Date/Bylaw Adopted August 25, 2009

District of Tofino Cemetery Bylaw No. 1086, 2009

SCHEDULE "D"

ATTACHED TO AND FORMING PART OF BYLAW NO. 1086, 2009

DISTRICT OF TOFINO
121 Third Street, PO Box 9, Tofino, BC V0R 2Z0
250-725-3229 Fax 250-725-3775 www.tofino.ca

INTERMENT RIGHT TRANSFER

Grave Space: _____ Row: _____ Section: _____

Under Section 10 of District of Tofino Cemetery Bylaw No. 1086, 2009, I hereby request that the Interment Right Contract for the above grave space, as registered to me, _____, be transferred from my name to that of:

New Rights Holder: _____

Address: _____

City & Province: _____ Postal Code: _____

Phone: _____ E-mail: _____

I hereby surrender the original Interment Right Contract and confirm that there have been no interments in the grave space, nor memorials placed on the grave space, and I agree to pay the Transfer Fee as prescribed.

Right of Interment Holder Print Name Date

Address: _____

City & Province: _____ Postal Code: _____

Phone: _____ E-mail: _____

Transfer Fee: _____

Taxes: _____

TOTAL: _____

For Internal Use Only		
Received by: _____	Date: _____	Receipt #: _____
Records amended by: _____	Date amended: _____	

District of Tofino Cemetery Bylaw No. 1086, 2009

SCHEDULE "E"

ATTACHED TO AND FORMING PART OF BYLAW NO. 1086, 2009

DISTRICT OF TOFINO
121 Third Street, PO Box 9, Tofino, BC V0R 2Z0
250-725-3229 Fax 250-725-3775 www.tofino.ca

INTERMENT RIGHT SURRENDER

Grave Space: _____ Row: _____ Section: _____

Under Section 11 of District of Tofino Cemetery Bylaw No. 1086, 2009, I hereby surrender to the District of Tofino the Right of Interment for the above grave space.

I hereby surrender the original Interment Right Contract and confirm that there have been no interments in the grave space, nor memorials placed on the grave space, and I agree to pay the Surrender Fee as prescribed.

Right of Interment Holder Print Name Date

Address: _____

City & Province: _____ Postal Code: _____

Phone: _____ E-mail: _____

Original price paid for Right of Interment (less the Care Fund Contribution)*	_____
Plus Taxes paid on *	_____
Less Surrender Fee	_____
Less Taxes on Surrender Fee	_____
REFUND TOTAL	_____

For Internal Use Only		
Received by: _____	Date: _____	Receipt #: _____
Records amended by: _____	Date amended: _____	

District of Tofino Cemetery Bylaw No. 1086, 2009

SCHEDULE "F"

ATTACHED TO AND FORMING PART OF BYLAW NO. 1086, 2009

DISTRICT OF TOFINO
121 Third Street, PO Box 9, Tofino, BC V0R 2Z0
250-725-3229 Fax 250-725-3775 www.tofino.ca

MEMORIAL PERMIT

Grave Space: _____ Row: _____ Section: _____

Request Date: _____ New Remove & Replace

In Memory of: _____

Marker Size: _____ Single Double Bronze Plaque

Marker Type: Durable Stone Bronze

Permit Fee:

20cm x 28cm	\$_____	Care Fund \$_____	Taxes \$_____	Total \$_____
25cm x 45cm	\$_____	Care Fund \$_____	Taxes \$_____	Total \$_____
30cm x 50cm	\$_____	Care Fund \$_____	Taxes \$_____	Total \$_____
45cm x 75cm (over two adjacent graves only)	\$_____	Care Fund \$_____	Taxes \$_____	Total \$_____
Plaque	\$_____	Care Fund \$_____	Taxes \$_____	Total \$_____
Remove & Replace	\$_____	Care Fund \$_____	Taxes \$_____	Total \$_____

Requested by: Name/Company: _____

Address: _____

Additional Comments: _____

This permit is issued in accordance with and subject to the rules and regulations of District of Tofino Cemetery Bylaw No. 1086, 2009 as they may be in effect at the time of purchase, or as they may be amended from time to time thereafter.

Memorials shall only be placed, installed, or removed by the Caretaker or other person duly authorized by the District of Tofino.

For Internal Use Only		
Received by: _____	Date: _____	Receipt #: _____
Plaque ordered by: _____	Date ordered: _____	
Installation date: _____	Installed by: _____	