



Village of Fraser Lake

Bylaw No. 797, 2019

Cemetery Operation and Maintenance

A Bylaw to provide for and regulate the Village of Fraser Lake Cemetery.

WHEREAS the Council may, under the authority of Section 8 of the *Community Charter* and Section 716 of the *Local Government Act*, establish and regulate cemeteries;

AND WHEREAS the Council deems it advisable to update the cemetery bylaw due to recent changes in the provincial legislation related to municipal cemeteries;

NOW THEREFORE the Council of the Village of Fraser Lake, in open meeting assembled, hereby enacts as follows:

1. **CITATION**

This Bylaw may be cited for all purposes as "Bylaw No. 797, 2019 – Cemetery Bylaw" and comes into effect on the date of adoption.

2. **REPEALS**

The Corporation of the Village of Fraser Lake Bylaw No.705, 2009 Cemetery Operation and Maintenance,

The Corporation of the Village of Fraser Lake Bylaw No. 730, 2010 Cemetery Operation and Maintenance Amendment

3. **DEFINITIONS**

In this bylaw unless the context otherwise requires:

"BPCPA" means Business Practices & Consumer Protection Act

"CIFSA" means Cremation, Interment & Funeral Services Act

"CIFSR" means Cremation, Interment & Funeral Services Regulations

"IR" means Interment Right

"IRC" means Interment Right Contract

"IRH" means Interment Right Holder or Purchaser of Contract

"Caretaker" means the Public Works of the Village of Fraser Lake

"Cemetery" shall mean and include any parcel or tract of land owned, used or maintained by the Village of Fraser Lake as a cemetery either within or outside the Municipality;

"Child" means any person from birth, up to and including twelve years of age (Casket size not to exceed 1.52 m (5 feet))

"Clerk" shall mean the person duly appointed as such from time-to-time by the Director of Development Services;

"Columbarium" means a vault with niches for urns that contain the ashes of cremated bodies;

"Council" is the Mayor and Council of the Village of Fraser Lake;

"Cremated Remains" means the remains resulting from cremation of a deceased human body

"Grave Space" means a space of ground in a cemetery used, or intended to be used, for the burial of human or cremated remains

"Interment" means the disposition by burial of Human Remains or Human Cremated Remains in a plot or niche

"Interment Right Holder" means a person who holds a Right of Interment

"Interment Authorization" means a document completed at time of need that may include statistical, executor and next of kin information that authorizes Interment of the deceased by the person with Control of Disposition

"Infectious diseases" within the meaning of this Bylaw are those as set out in the *Medical Health Act*;

"Interment" means the disposition by burial of Human Remains or Human Cremated Remains in a plot or niche;

"Inurnment" means the disposition of Cremated Human Remains in a niche

"Mayor" shall include the Acting Mayor

"Medical Health Officer" means the person duly appointed from time to time by the Council to act as Medical Health Officer for the Village of Fraser Lake

"Municipality" means the Village of Fraser Lake

"Minister" means that member of the Executive Council charged by Order of the Lieutenant-Government-in-Council with administration of the Cemetery and Funeral Services Act and includes a person designated in writing by the Minister

"Niche" means each individual compartment to used for the interment of cremated remains in a Columbarium

"Non-resident" means any person who has not lived within the boundaries of the Municipality or the Regional District Bulkley Nechako Electoral Area D for more than one year prior to the purchase of the grave site or columbarium niche

"Resident" means any person who resides within the boundaries of the Village of Fraser Lake or Electoral Area D of the Regional District Bulkley Nechako for more than one year prior to the purchase of the grave space or columbarium niche

"Right of Interment" means a certificate that provides for the future right to inter Human Remains or Cremated Remains in a designated lot.

"Village" shall mean the Village of Fraser Lake

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

Where applicable, the provisions of the Cremation, Interment and Funeral Services Act, Business Practices and Consumer Protection Act, Health Act and any other Provincial Statute shall apply.

4. **DESIGNATED LANDS**

- 4.1 The following lands owned by the Village have been set aside and used for cemetery purposes:
- (1) Fraser Lake Cemetery legally described as Block A, Plan 5021, District Lot 617, Range 5, Coast Range 5 Land District
 - (2) Civic address: Tunasa Crescent
 - (3) GPS Coordinates:
- 4.2 A copy of the plans of the cemetery shall be filed with the BPCPA, and copies shall also be kept available for public inspection in the Municipal Office and at such other places as may be deemed necessary. The Development Services Department shall maintain current all maps, records of burials and reserved burial plots.

5. **ADMINISTRATION**

- 5.1 The Village shall maintain records as necessary to the administration and management of the cemetery and as required by Section 27 CIFS Regulation.
- 5.2 The Clerk is hereby authorized on behalf of the Village to sign Schedule "B" hereof in respect to the sale of an interment right in the cemetery, according to the scale of fees and charges specified in Schedule "A" of this Bylaw and subject to the provisions of this Bylaw.

- 5.3 The Village may enter into an IRC with any person paying the proper fees in Schedule "A" and subject to the terms of Section 5.4 hereof, an IRC for the exclusive use by him, or his executors or administrators, of any one or more grave spaces which may be vacant in the cemetery. The applicant shall then be entitled to receive a copy of Schedule "B" attached hereto and forming part of this Bylaw.
- 5.4 The Village 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 enter into an IRC to use grave space in the reserved section, unless their application to the Village to purchase an IRC is accompanied by a certificate from the society, church or organization concerned, stating that they are entitled to burial in the reserved section. All IRC's and services rendered by the Village under these conditions shall be subject to payment at the regular rates set forth in Schedule "A".
- 5.5
- (1) If the Interment Right Holder or beneficiary of interment right shall at any time desire to dispose of or transfer to another person his right to use and occupy grave space in the cemetery, he shall first furnish the Clerk full particulars of the name, address occupation or other description of the person to whom such disposal or transfer is desired to be made, and the consideration to be paid therefor;
 - (2) If the IRC to be transferred relates to a grave space located in an area reserved under an agreement made between the Village and an organization pursuant to Section 5.4 hereof, the requirements of said Section 5.4 concerning entitlement to burial in a reserved section of the cemetery shall apply to the person to whom the transfer is to be made;
 - (3) Upon receipt of the transfer fee prescribed in Schedule "A" of this Bylaw and upon compliance with the requirements of this Bylaw by the IRC the person to whom the plot is to be transferred, the Clerk shall effect the desired transfer by an endorsement upon the IRC to that effect and shall record the same in the books or other records kept by him for that purpose.
- 5.6 All IRC's shall be subject to the provisions of this Bylaw and all Bylaws now or hereafter to be adopted by Council;

- 5.7 The IRC's shall be in the form of Schedule "B" attached hereto and forming part of this Bylaw;
- 5.8 Any person requesting an IRC, or who requires an interment to be made, shall furnish the Village with a "Burial Permit" stating the name, age, date of death of the deceased, certified by the District Registrar of Deaths, and such other information as may be reasonably required;
- 5.9 Only human remains, or cremated remains shall be interred in the cemetery and no interment of a body shall be made until an IRC has been obtained from the Village and the fee for interment as specified in Schedule "A" hereof has been paid to the Village;
- 5.10 No exhumation or disinterment of human remains in the cemetery shall be allowed without a written order being first obtained from the proper authority in accordance with the requirements of the CIFSA and the presentation of such order to the Clerk;
- 5.11 It shall be unlawful for any person to cremate or bury a deceased person within the limits of the Village of Fraser Lake save and except as authorized under the terms of the BPCPA and the Regulations made thereunder;
- 5.12 The body of any person who dies having an infectious disease must be interred in accordance with the requirements of the Health Authorities Act;
- 5.13 All applications and transactions must be made at the municipal office between the hours of 8:00 am and 4:00 pm Monday to Friday; excluding statutory holidays;
- 5.14 Every application for interment or inurnment must be received not less than 48 hours before the interment or inurnment is to take place, unless otherwise authorized by the Clerk;
- 5.15 The Village Council reserves to itself the right to refuse to sell the use of more than four (4) grave spaces to any one individual. However, upon written request and approval of the Clerk, further plots may be purchased;
- 5.16 If the holder of a *Right of Interment*, at any time, desires to sell their *Right to Interment* back to the Village of Fraser Lake or transfer his right to use and occupy grave space in the Cemetery to another person, he shall first provide the Clerk with full particulars of the name, address, or other description of the person to whom such transfer is to be made, and the consideration to be paid therefore;
- 5.17 If the *Right of Interment* being transferred relates to a grave space located in an area set aside through a prior agreement pursuant

to Section 5.4, those same criteria shall apply to the person to whom the transfer is being made;

- 5.18 Upon receipt of the transfer fee specified in Section "C", and upon compliance with the requirements of this Bylaw by the Right of Interment holder and the person to whom the Right of Interment is to be transferred, the Clerk shall effect the desired transfer by an endorsement upon the right of interment to that effect and shall record the same in the books or other records kept by him for that purpose. If the transfer is made between family members, the fee will be waived.
- 5.19 All Rights of Interment issued for use of grave space in the Cemetery shall be subject to the provisions of this Bylaw as from time to time revised.

6. FEES AND CHARGES

- 6.1 The fees for interment, exhumation, use of grave space, charges for goods offered for sale by the Village for use in the Cemetery and care of graves, and any other cemetery fees shall be those set out in Schedule "A" attached hereto and forming part of this Bylaw.
- 6.2 The fee set out in Schedule "A" of this Bylaw shall be paid in advance at the municipal office. Fees being paid on behalf of a purchaser by a Funeral Home may be invoiced by the municipality to the Funeral Home.
- 6.3 Person(s) wishing to reserve a grave space or a columbarium niche must pay the full cost of the grave space or columbarium niche. Fees for cemetery services will be charged prior to interment.
- 6.4 The Municipality may re purchase vacant cemetery plots from the Licensee, by refunding the original purchase amount of the plot upon receipt of written proof of purchase. The Cemetery Care Fund and Capital Development Fund amounts are not refundable.

7. PERMISSION TO INTER, EXHUME AND CREMATE

- 7.1 No body shall be interred in the Cemetery until a Right of Interment to inter the body has been obtained from the Municipality and the fee for interment, as specified in Schedule "A" has been paid to the municipality.
- 7.2 All Interment Authorizations for interment of deceased persons in the Cemetery shall be in the form of Schedule "C"; attached hereto and forming part of this Bylaw
- 7.3 All applications for a Right of Interment of deceased persons in the Cemetery must be made to the Clerk at the Village Office between the hours of 08:00 am and 4:00 pm on all days of the

week except Saturday, Sunday and Statutory Holidays and at least forty-eight (48) hour prior to the time interment is to take place.

- 7.4 Any person who makes application for a Right of Interment or who requires an interment to be made, shall furnish the Clerk a statement of the name, age, date of death of the deceased, date of birth, date and time of funeral, date and time of interment, whether or not death was caused by a communicable disease as listed in the Communicable Disease Regulations made under the Health Act, as amended from time to time, and such other information as may be reasonably required..
- 7.5 No person shall be granted a Right of Interment to inter in an area of the Cemetery which has been reserved by the Council under the provisions of Section 5.4 for the burials of members of a church, society, other organizations unless the applicant for such permit furnishes the Clerk a certificate from the organization concerned stating that the deceased is entitled to burial in the area so reserved.
- 7.6 Where the Medical Health Officer directs, pursuant to the Communicable Disease Regulations or otherwise, that a body be buried in the Cemetery during any period when the Municipal Office is closed, permission to inter in the Cemetery shall be obtained from the Coroner, but in no case shall a person who dies have a communicable disease be buried without the consent of the Medical Health Officer.
- 7.7 Where the body delivered to the Cemetery for interment is subject to directions of the Medical Health Officer under the terms of the Communicable Disease Regulations made under the Health Act, the person delivering the body to the Cemetery shall inform the Public Works Department or the person who will perform the burial.
- 7.8 Where a body of a person who died while suffering a communicable disease is buried in the Cemetery, any instruction given by the Medical Health Officer respecting the interment shall be fully and carefully followed by those who perform the interment.
- 7.9 Where a burial in the Cemetery is performed under the conditions of Section 7.6, the Public Works Department or person performing the burial, shall report the matter to the Clerk with full particulars of the interment and the representative of the deceased as required by Section 7.1, together with such fees as may be required in accordance with Schedule "A", if such fees have not already been paid.
- 7.10 The information required to be given to the Clerk under the terms of Section 7.9 shall be provided to the Clerk as soon after such interment as the Municipal Office is open.
- 7.11 No human remains, or cremated remains shall be exhumed or disinterred from the cemetery unless:
 - 1) The Village receives a written request to do so from the person who has the right to control the disposition of the human remains

or cremated remains under the Cremation, Interment and Funeral Services Act and all applicable fees and charges have been paid.

2) If required, the Village receives permission from the Medical Health Officer

- 7.12 The Village is not responsible for damage to any casket, urn or other container that is sustained through exhumation.

8.0 **INTERMENTS**

- 8.1. 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 provision of this Bylaw.
- 8.2. The holder of a *Right of Interment* to use and occupy grave space in the Cemetery shall not permit the interment of another person's remains in the grave space to which the right of interment refers, nor transfer nor dispose of the said grave space to another person, group or organization, unless such interment, transfer or disposal is made pursuant to and subject to the provisions of this Bylaw.
- 8.3. Each interment in the Cemetery, other than the interment of cremated remains, shall provide for not less than 900 mm of earth between the upper surface of the grave liner and the level of the ground at the grave site.
- 8.4 A grave liner shall be used for each interment, except in the case of cremated remains interred in a columbarium.
- 8.5 A maximum of one interment is permitted in each grave space, except in the case of cremated remains, where up to four cremated remains inurnments may be permitted in each adult sized grave space. Please note: arrangements for more than one inurnments must be made at the time of the initial application for services.
- 8.6 An Interment Right contract is required for each grave space and interment. An additional Interment Right contract is required for each inurnment of cremated remains in the same grave space.
- 8.7 No vaults or other methods of interment above ground level shall be permitted in the Cemetery, except for interment of Cremated Remains into the Columbarium.
- 8.8 No person shall inter any body in the Cemetery except between the hours of 9:00 am and 3:00 pm, unless approval by the clerk is first obtained.
- 8.9 No person shall inter any body in the Cemetery on Saturday, Sunday and Statutory Holidays, unless approval of the Clerk is first

obtained, except in the emergency conditions as specified in Section 7.7.

- 8.10 There must be a minimum of 4 hours between full burial interments.
- 8.11 No grave shall be dug or opened by any person other than the Department of Public Works or other person duly authorized by the Director of Public Works or the Clerk.

9.0 CEMETERY CARE FUND

- 9.1 A fund shall be established as "The Cemetery Care Fund" and such fund shall be administered in accordance with the requirements of the Regulations made under the Part 7 of the CIFSA for the establishment and administration of a Municipal Cemetery Care Fund and in accordance with the procedures hereinafter set out.
- 9.2 A Village General Ledger account shall be established to be known as "The Cemetery Care Fund Investment Account" into which the Director of Financial Services or Financial Administrator will pay all funds received from the Cemetery Care Reserve Fund in accordance with Municipal investment procedures and to be classified as a separate investment account in the General Ledger.
- 9.3 Schedule "A" shall specify an amount NO LESS than 25% of the sale of all plots and niches, to be paid into the Cemetery Care Fund.
- 9.4 The IRC and Schedule "A" shall specify amounts to be used for Care Fund.
- 9.5 Any owner of a memorial marker desiring to install same in the Cemetery, shall pay to the Municipality prior to the installation of such memorial, the sum specified in Schedule "A", as a contribution to the Cemetery Care Fund and such amounts, when received, shall be paid by into the Cemetery Care Fund Account for investment as hereinafter provided.
- 9.6 Investment of funds received for Care Fund purposes shall be made as required by the Regulations under the Cemetery, Interment & Funeral Services Act and Business Practices & Consumer Protection Act.
- 9.7 The income from the Cemetery Care Fund, including any appreciation thereof, shall be used for the sole purpose of upkeep and maintenance of the licensed property and the cemetery for which it forms part.

- 9.8 The principal sum of the Cemetery Care Fund shall not be reduced otherwise than in accordance with an order of the Minister made pursuant to the Regulations under the Cremation, Interment & Funeral Services Act.

10.0. **CAPITAL DEVELOPMENT FUND**

- 10.1 A Capital Reserve fund shall be established as the "Cemetery Capital Development Fund" and such fund shall earn interest as determined from time-to-time by the Financial Administrator. Fees collected and uses of the fund are as follows:

- (1) Amounts Collected – 25% of basic operating cost of:
- Burial plots
 - Cremation plots
 - Columbarium niches
 - Installation of memorial or monuments
 - Open & close of plots
- (2) Uses of Capital Development Fund – used for purchase of:
- Columbarium units
 - Construction of new cremation plots
 - Specific cemetery improvements
 - Other projects as approved by Council

11.0 **MEMORIALS**

- 11.1 No person shall place a memorial marker on any grave space in the Cemetery until the amount referred to in Section 37(e) has been paid to the Clerk for Care Fund purposes in respect to each memorial which it is desired to install.
- 11.2 No grave or grave space shall be defined by a fence, railing, curbing or hedge and no memorial other than a tablet type memorial, as specified in Section 41, may be installed on a grave.
- 11.3 On or after the passing of this Bylaw, a tablet type memorial may be installed on a grave in the Cemetery provided the installation fee, as set out in Schedule "A", is paid and the memorial marker is made of stone or bronze and conforms with the following:
- a) Each memorial marker shall be installed in a position on the grave according to that established by the Municipality for memorials on graves in the Cemetery and shall have its top surface set level and flush with the surface of the surrounding ground.
 - b) Each bronze memorial marker shall be attached to a concrete or granite base not less than four (4) inches thick with side

surfaces true and perpendicular with the top surface of the attached marker.

- c) Each stone memorial marker shall be not less than three (3) inches thick.
- d) Temporary markers shall be placed at each new interment for a period of six (6) months and shall be removed thereafter.
- e) The Municipality shall not be responsible for any damage to memorial markers.
- f) No other person, other than the Village Public Works Department or someone appointed to perform the duties of the Public Works Department, may be permitted to install a memorial marker on a grave space in the Cemetery.
- g) The top surface of memorial markers and concrete or granite bases shall not exceed the following measurements:
 - i) On Adult Grave Width Length
 - a) Memorialization of one adult 30cm (12") 60cm (24") grave space (single depth)
 - b) Memorialization of two adults 76cm (30") 80cm (32") (side by side adult graves)
 - ii) On Child Grave 30cm (12") 60cm (24")
 - iii) On Cremated Remains Grave
 - a) Memorialization of one set of 30cm (12") 50cm (20") Cremated Remains
- h) Up to four (4) memorial tablets may be placed on each grave space, and where two related persons are buried side by side in adjacent graves, one 76cm (30") X 80cm (32") tablet which provides for the memorialization of both persons may be used instead of two separate tablets, provided the single tablet so used is set to embrace evenly the two grave spaces concerned.
- i) On cremated remains grave space, a memorial base which conforms to the requirements of Subsection (g) of Section 41 and which supports either a stone or bronze tablet may enclose one or two containers of cremated remains of a deceased person as permitted by the terms and requirements of Section (e) of Section 29.
- j) Containers flush with the level of the surrounding ground for holding cut flowers will be permitted.

12.0 GENERAL

- 12.1 Cut flowers, wreaths and floral offerings may be placed on graves but may be removed by the Public Works Department when their condition is considered detrimental to the beauty of the Cemetery. No glass vases or other objects will be permitted on the graves. Temporary tokens of remembrance (including upright items) may only be placed on plots between November 15th and March 15th of each year. These items must be temporary and be easily removed. Items may be removed if found inappropriate to the beauty of the Cemetery at the discretion of the Director of Public Works. Items not removed prior to the annual Cemetery Clean up in the Spring will be removed by the Public Works Staff and be held at the Village Works Yard until May 31st of each year, and if not claimed will be disposed of thereafter. The Village will not be held responsible for the condition of these items or any lost or stolen items.
- 12.2 No person shall plant, remove, cut down or destroy any trees, shrubs, plants, flowers, bulbs or rocks in the Cemetery other than an employee of the Municipality authorized to do so.
- 12.3 All persons are prohibited from damaging, or defacing, any memorial, monument, fence, gate or structure in the Cemetery, or any other improvement in the Cemetery.
- 12.4 No vehicles shall enter the Cemetery other than during funeral proceedings, unless prior approval has been obtained from the Director of Public Works.
- 12.5 No person shall solicit orders for markers, tablets, memorials, curbing, cuppings or the likes within the limits of the Cemetery
- 12.6 All persons and funeral processions in the Cemetery shall obey the reasonable instructions of the Director of Public Works or his designate
- 12.7 Person not behaving with proper decorum within the Cemetery or disturbing the quiet and good order of the Cemetery, may be evicted therefrom by a representative of the Village Council, Administration or the Director of Public Works or his designate.
- 12.8 The discharging of firearms, other than in regular volleys at burial services, is prohibited in the Cemetery.
- 12.9 Any person who willfully destroys, mutilates, defaces, injures, or removes any tomb, monument, grave stone or other structure placed in the Cemetery, or any fence railing or other work for the protection or ornament of the Cemetery, or any tomb, monument, grave stone or other structure aforesaid, or lot within the Cemetery, or willfully destroys, cuts, breaks or injures any shrub or plant, or plays at any game or sport, or discharges firearms (save at a military funeral), or

who willfully or unlawfully disturbs persons assembled for the purpose of burying a body therein, or who commits a nuisance, or at any time behaves in an indecent and unseemly manner, or deposits any rubbish or offensive matter or thing in a Cemetery, or in any way violates and grave, tomb, tombstone, vault or other structure within the same, shall be guilty of an infraction by this Bylaw and liable to penalties hereof.

13. **ACCESS**

- 13.1 The Cemetery will be open to the public (pedestrians only) from dawn to dusk, but arrangements must be made with the Village for vehicular access.
- 13.2 No person shall enter the cemetery in a vehicle after sunset, nor drive a vehicle in the cemetery at any time at a speed of more than 15 kilometers an hour.
- 13.3 No person shall drive a vehicle in the Cemetery other than on the designated roadways for vehicles.

14. **PENALTIES**

- 14.1 Any person who commits an offense contrary to the provisions of this Bylaw is liable on summary conviction to a penalty of not more than Two Thousand Dollars (\$2,000.00) in addition to the cost of prosecution.
- 14.2 Each day a violation is caused or allowed to continue constitutes a separate offense.

15. **SEVERABILITY**

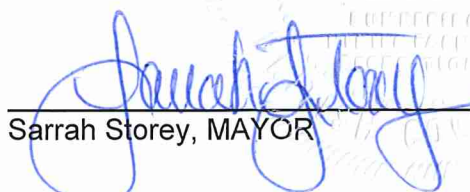
- 15.1 If any section, subsection, sentence, clause or phrase in this Bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of the Bylaw.

READ A FIRST TIME THIS 23 JANUARY 2019

READ A SECOND TIME THIS 23 JANUARY 2019

READ A THIRD TIME THIS 23 JANUARY 2019

ADOPTED THIS 13 FEBRUARY 2019


Sarrah Storey, MAYOR


Rodney J. Holland, CORPORATE OFFICER

**CERTIFIED A TRUE AND CORRECT
COPY of "Bylaw No. 797, 2019 – Cemetery
Bylaw"**



Rodney J. Holland
Corporate Officer

SCHEDULES AND APPENDICES TO BYLAW NO. 797, 2019

Schedule "A"	Burial Fees
Schedule "B"	Interment Right Contract
Schedule "C"	Interment Authorization



Village of Fraser Lake

P.O. Box 430

210 Carrier Crescent
Fraser Lake, B.C. V0J 1S0

SCHEDULE "A" BURIAL 2019 FEES Cemetery Bylaw 797, 2019

BURIAL PLOT - Full Burial or up to 4 Cremation		Basic Operating	Care Fund	Capital Dev't Fund	Total Before GST
a)	Resident (adult) 1.5 x 3.0 m	\$371.00	\$93.00	\$93.00	\$557.00
b)	Non-resident (adult) 1.5 x 3.0 m	\$472.00	\$118.00	\$118.00	\$708.00
c)	Resident (child) 1.5 x 1.5 m	\$170.00	\$43.00	\$43.00	\$256.00
d)	Non-resident (child) 1.5 x 1.5 m	\$232.00	\$58.00	\$58.00	\$348.00

ADDITIONAL REQUIREMENTS

a)	Full Burial Open/close (adult) 1.5 x 3.0 m up to 3 hours (including grave liner)	\$650.00		\$163.00	\$813.00
b)	Full Burial Open/close (child) 1.5 x 1.5 m up to 3 hours (including grave liner)	\$600.00		\$150.00	\$750.00
c)	Cremation burial in a standard grave plot (including grave liner)	\$242.00			\$242.00

INSTALLATION OF MEMORIAL (No above ground Monuments or Structures allowed in the Cemetery)	\$220.00	\$55.00	\$55.00	\$330.00
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EXTRA CHARGES (added to regular amounts)

a)	Burial after 4:00 p.m. Monday to Friday per Hour (1 Hr minimum charge)	\$150.00			\$150.00
b)	Burial on Saturday, Sunday or statutory holiday	\$350.00			\$350.00
c)	Winter Burial open/close over 3 hours (Hourly Charge)	\$200.00			\$200.00
d)	Spring Water Level Conditions open/close over 3 hours (Hourly Charge)	\$150.00			\$150.00

BURIAL SUBTOTAL

CREMATION PLOT – One Cremation Only		Basic Operating	Care Fund	Capital Dev't Fund	Total Before GST
a)	Resident (Includes one open/close & grave liner)	\$350.00	\$88.00	\$88.00	\$526.00
b)	Non-resident (Includes one open/close & grave liner)	\$385.00	\$97.00	\$97.00	\$579.00

INSTALLATION OF MEMORIAL (No above ground Monuments or Structures allowed in the Cemetery)	\$220.00	\$55.00	\$55.00	\$330.00
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EXTRA CHARGES (added to regular amounts)

a)	Burial after 4:00 p.m. Monday to Friday per Hour (1 Hr minimum charge)	\$150.00			\$150.00
b)	Burial on Saturday, Sunday or statutory holiday	\$350.00			\$350.00
c)	Winter Burial open/close over 3 hours (Hourly Charge)	\$200.00			\$200.00
d)	Spring Water Level Conditions open/close over 3 hours (Hourly Charge)	\$150.00			\$150.00

CREMATION SUBTOTAL

COLUMBARIUM NICHE – Two Interment Only		Basic Operating	Care Fund	Capital Dev't Fund	Total Before GST
a)	Resident (Includes one open/close)	\$650.00	\$163.00	\$163.00	\$976.00
b)	Non-resident (Includes one open/close)	\$750.00	\$188.00	\$188.00	\$1126.00
c)	Open/close Niches for second interment	\$100.00			\$100.00

INSTALLATION OF MEMORIAL	\$100.00	\$25.00	\$25.00	\$150.00
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EXTRA CHARGES (added to regular amounts)

a)	Inurnment after 4:00 p.m. Monday to Friday per Hour (1 Hr minimum charge)	\$150.00			\$150.00
b)	Inurnment on Saturday, Sunday or statutory holiday	\$350.00			\$350.00

COLUMBARIUM SUBTOTAL

SPECIAL CIRCUMSTANCES		Basic Operating	Care Fund	Capital Dev't Fund	Total Before GST
a)	Open/Close for exhumation adult (1.5 x 3.0 m)	\$609.00			\$609.00
b)	Open/Close for exhumation child (1.5 x 1.5 m)	\$500.00			\$500.00
c)	Open/Close for exhumation cremation plot	\$183.00			\$183.00
d)	Open/Close for exhumation columbarium	\$183.00			\$183.00
e)	Reinstallation of inscription plate/memorial	\$100.00	\$25.00		\$125.00
f)	Plot transfer	\$39.00			\$39.00

SPECIAL CIRCUMSTANCES SUBTOTAL

	Sum of SUBTOTALS (Before GST)				
	GST (5%)				
	Sum of SUBTOTALS (After GST)				
	TOTAL PAYABLE (Inc GST)				



Village of Fraser Lake

P.O. Box 430
210 Carrier Crescent
Fraser Lake, B.C. V0J 1S0

SCHEDULE "B" INTERMENT RIGHT CONTRACT Cemetery Bylaw 797, 2019

This Purchase Agreement is entered into between the Village of Fraser Lake and the undersigned Purchaser and/or Legally Authorized Representative of a deceased person named herein.

Date:	
Name of Purchaser:	Telephone:
Address:	Cell:

Name of Deceased:	Sex: M / F
Address of Deceased:	Date of Death:
Resident: Y / N	Age:
Place of Birth:	Date of Birth:

INTERMENT PARTICULARS

(for Casket Interment of Human Remains or Urn Interment of Cremated Remains)

Block:	Lot:	Plot:	Niche:	Other:
Date of Interment:				
Graveside Service:				
All services shall be conducted at the graveside commencing at: _____ (time)				
<i>Note: Arrival at Cemetery after 3:00 p.m. may be subject to overtime charges</i>				

FEES (per Schedule "A")

	Basic Operating \$	Care Fund \$	Capital Dev't Fund \$
Plot/Niche			
Open/Closing		N/A	
Memorial Charge			
Other			
Subtotal			
GST			
Total Due			

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

IN WITNESS WHEREOF the parties executed this agreement on the _____ day of _____, 20__

Signature of Purchaser/Authorized Person

Relationship to Deceased

Signature for the Village of Fraser Lake

Print Name of Purchaser/Authorized Person

Print Name of Cemetery Representative

Turn this page over for more information and signature



Village of Fraser Lake

P.O. Box 430
210 Carrier Crescent
Fraser Lake, B.C. V0J 1S0

BILLING NAME FOR SERVICES IF APPLICABLE

BILLING ADDRESS FOR SERVICES IF APPLICABLE

CONTACT PHONE NUMBER FOR BILLING NAME



Village of Fraser Lake

P.O. Box 430
210 Carrier Crescent
Fraser Lake, B.C. V0J 1S0

SCHEDULE "B" INTERMENT RIGHT CONTRACT

INTERMENT RIGHTS

Interment rights have a legal, perpetual status. Purchasers or assignee holders of Interment rights are advised to record in writing, preferably within the context of a Will or notarized document, the person(s) who shall – upon the purchaser's or assignee's death - be entitled to use and/or exercise control over the interment rights that are registered in their name. The Village must give a copy of the completed Interment Rights Contract to the applicant within 15 days of signing.

The sale of Interment right is not the sale of a plot but the right to be interred in an assigned plot. An interment right holder does not acquire any right or interest in the roads, paths, and other areas that allow access to and from any lot at the Fraser Lake Cemetery. The interment right holder also does not acquire any right or interest in any gardens, structures, buildings or other property at the Fraser Lake Cemetery.

CONTRACTUAL OBLIGATIONS

This Agreement is binding on the signatory parties, their heirs, successors, personal representatives, and permitted assigns. The contract is subject to the Business Practices and Consumer Protection Act; Cremation, Interment and Funeral Services Act and related regulations.

REQUIREMENTS PRIOR TO DISPOSITION

Pursuant to Section 8(3)(b)(ii) Cremation and Funeral Services Act, the Village of Fraser Lake cannot proceed with the interment of human remains at the cemetery unless a written authorization for disposition is received in advance from the person with the legal right to authorize the disposition of the deceased.

AUTHORIZATION TO DISPOSE

Subject to Section 5 and Section 8(3)(b)(i) (requirement for authorization before funeral services or disposition) the right of a person to control the disposition of human remains vests in, and devolves on, the following persons in order or priority:

- (a) the personal representative named in the will of the deceased
- (b) the spouse of the deceased
- (c) an adult child of the deceased
- (d) an adult grandchild of the deceased
- (e) if the deceased was a minor, a person who was a legal guardian of the person of the deceased at the date of death
- (f) a parent of the deceased
- (g) an adult sibling of the deceased
- (h) an adult nephew or niece of the deceased
- (i) an adult next of kin of the deceased, determined on the basis provided by Section 89 and 90 of the Estate Administration Act
- (j) the Minister under the Employment and Assistance Act or, if the official administrator under the Estate Administration Act is administering the estate of the deceased under the Act, the official administrator
- (k) the adult person having a personal or kinship relationship with the deceased, other than those referred to in paragraphs (b) to (d) and (f) to (i)

RECLAMATION OF UNUSED INTERMENT RIGHTS

The Fraser Lake Cemetery reserves the right to reclaim the Interment rights for an unused plot where such reclamation shall be carried out in compliance with and subject to the reclamation requirements set out in Section 25 of the Cremation, Interment and Funeral Services Act of BC or such reclamation regulation or legislation as may be enacted in the future.



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BYLAWS, RULES & REGULATIONS

The use of any lot, exercise of interment rights, installation of any memorial, visitation of any memorial site and performance of all services are subject to the bylaws, rules and regulations of the cemetery as may be currently in effect or from time-to-time amended by the Fraser Lake Cemetery.

GOVERNING LEGISLATION

This is an agreement to which the Business Practices and Consumer Protection Act and the Cremation, Interment and Funeral Services Act of BC and related Regulations apply.

ASSIGNMENT

Upon written notice provided by the Purchaser or the Legal Representative of a Deceased Purchaser and payment in full of the current Plot Transfer Fee set out in the Cemetery's Schedule "A" under this agreement may, in whole or in part, be assigned to another person.

CANCELLATION & REFUNDS

TO CANCEL this contract, you must give written notice of cancellation at the address in the contract – Box 430, 210 Carrier Crescent. You must give notice by a method that will allow you to prove that you gave notice, including registered mail, electronic mail, facsimile or personal delivery. A refund of the total purchase price will occur if cancelled within 48 hours (2 days) of signing. Requests for a refund received after 48 hours will be the total purchase price minus the Care Fund amount. The notice of cancellation must arrive within the required time frame or show proof that it was sent within that time.

COLLECTION, USE AND PRIVACY OF PERSONAL INFORMATION

- The Purchaser, by signing this agreement, acknowledges and gives their permission to the Fraser Lake Cemetery to, from time to time, as requested, provide interment or memorial locations to cemetery visitors.
- The Purchaser, by signing this agreement, waives any responsibility or liability of the Fraser Lake Cemetery to control, limit, restrict or prevent access to or disclosure of personal information that may be recorded on any monument, marker or memorial installed for display at the cemetery.

CEMETERY RULES AND REGULATIONS

- The Purchaser, by signing this agreement, acknowledges receipt of a copy of this agreement and acknowledges and agrees to observe that the provision, use and maintenance as applicable covered in this agreement together with all of the facilities of the cemetery are subject without exception to the Bylaws, Rules & Regulations and Schedule of Rates for the cemetery in their entirety now or hereafter in effect.
- The Purchaser, by signing this agreement, acknowledges there are, without exception, restrictions and limitations on the exercise of interment rights and on the form, type and installation of memorial products in the cemetery and that it is the responsibility of the Purchaser to ensure the exercise of Interment rights and that any memorial product is in compliance with the Bylaws, Rules and Regulations of the cemetery.
- The Fraser Lake Cemetery reserves the right, without prior notice, to remove any memorial product, personal memento, decoration or floral tributes which do not comply with the cemetery Bylaws, Rules and Regulations.
- Subject to a request being made in advance and with the permission and at the sole discretion of the Cemetery Supervisor display of normally unauthorized items may be permitted on interment lots and memorial sites on holidays, anniversaries or other dates that were of significance to the deceased memorialized. Such displays will be permitted to remain on the site for no more than 7 calendar days, after which the items will be removed without prior notice.
- BY PLACING YOUR SIGNATURE, YOU AGREE AND ACCEPT THE ABOVE NOTED TERMS AND CONDITIONS.

PURCHASER'S INITIALS_____



Village of Fraser Lake

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SCHEDULE "C" INTERMENT AUTHORIZATION

Cemetery Bylaw 797, 2019

Name of Deceased: _____ Gender: M / F

Date of Death: _____ Place of Death: _____

Time of Death: _____ Place of Birth: _____

Date of Birth: _____ Age: _____

Interment Particulars:

Interment Location: Block _____ Plot _____ Additional _____ Reserve Y / N

Interment Date: _____ Time of Interment (grave side): _____

Authorization:

Under the "Order of Priority" in Section 5 (1) *Cremation, Interment and Funeral Services Act*, I, _____ certify that I am the legally authorized representative to the above named deceased. Pursuant to Section 8(3)(b)(ii) *Cremation, Interment and Funeral Services Act*, I hereby authorize the interment of _____ at Fraser Lake Cemetery.

By authorizing this interment, I agree to indemnify and hold harmless Fraser Lake Cemetery; it's officers and employees, from any liability, costs, expenses or claims resulting from this authorization.

Signature of Authorized Person

Relationship of Deceased

Print name of Authorized Person

Date Signed (dd/mm/yy)

Address of Authorized Person

Telephone Number

Cremation, Interment and Funeral Services Act [SBC 2004] Chapter 35

Control of disposition of human remains or cremated remains

5 (1) Subject to this section and section 8 (3) (b) (i) [*requirement for authorization before funeral services or disposition*], the right of a person to control the disposition of the human remains or cremated remains vests in, and devolves on, the following persons in order of priority:

- (a) the personal representative named in the will of the deceased;
- (b) the spouse of the deceased;
- (c) an adult child of the deceased;
- (d) an adult grandchild of the deceased;
- (e) if the deceased was a minor, a person who was a guardian who had care and control of the deceased at the date of death;
- (f) a parent of the deceased;
- (g) an adult sibling of the deceased;
- (h) an adult nephew or niece of the deceased;
- (i) an adult next of kin of the deceased, determined on the basis provided by section 23 (5) of the *Wills, Estates and Succession Act*;
- (j) the minister under the *Employment and Assistance Act*, or if the Public Guardian and Trustee is administering the estate of the deceased under the *Wills, Estates and Succession Act*, the Public Guardian and Trustee;
- (k) an adult person having a personal or kinship relationship with the deceased, other than those referred to in paragraphs (b) to (d) and (f) to (i).

(2) If the person at the top of the order of priority set out in subsection (1) is unavailable or unwilling to give instructions, the right to give instructions passes to the person who is next in priority.

(3) If, under subsection (1), the right to control the disposition of human remains or cremated remains passes to persons of equal rank, the order of priority

- (a) is determined in accordance with an agreement between or among them, or
- (b) in the absence of an agreement referred to in paragraph (a), begins with the eldest of the persons and descends in order of age.

(4) A person claiming that he or she should be given the sole right to control the disposition of the human remains or cremated remains may apply to the Supreme Court for an order regarding that right.

(5) When hearing an application under subsection (4), the Supreme Court must have regard to the rights of all persons having an interest and, without limitation, give consideration to

- (a) the feelings of those related to, or associated with, the deceased, giving particular regard to the spouse of the deceased,
- (b) the rules, practice and beliefs respecting disposition of human remains and cremated remains followed or held by people of the religious faith of the deceased,
- (c) any reasonable directions given by the deceased respecting the disposition of his or her human remains or cremated remains, and
- (d) whether the dispute that is the subject of the application involves family hostility or a capricious change of mind respecting the disposition of the human remains or cremated remains.

(6) Despite subsections (1) to (3), if the Supreme Court makes an order in favour of a person who has applied to it under subsection (4), that person is deemed to be at the top of the order of priority set out in subsection (1).

Requirement for authorization before funeral services or disposition

8 (3) An operator of a cemetery, mausoleum and crematorium must not dispose of human remains unless

- (a) the operator is authorized to do so under the *Vital Statistics Act*, and
- (b) the operator

(i) is ordered to do so by a medical health officer under the *Public Health Act*, or

(ii) has received the authorization from the person who, under section 5 [*control of disposition of human remains or cremated remains*], has the right to control the disposition of the human remains.

Protection from liability

9 If

- (a) there is an error or omission in an authorization provided under section 8 [*requirement for authorization before funeral services or disposition*] to an operator or a funeral provider, or
- (b) the person who signed an authorization provided under section 8 [*requirement for authorization before funeral services or disposition*] did not have the authority to give the directions set out in the authorization,

the operator or funeral provider is not liable for acting on the authorization unless the operator or funeral provider knew, or ought to have known, that the facts stated in the authorization were not true or the person giving the authorization did not have the authority to do so.