



**THE CORPORATION OF THE VILLAGE OF BURNS LAKE  
CEMETERY BYLAW NO. 928, 2011**

A bylaw to operate and maintain the Village of Burns Lake Municipal Cemetery.

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

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

**AND WHEREAS** Council has provided notice of the proposed bylaw in accordance with the Community Charter;

**NOW THEREFORE**, Council for the Corporation of the Village of Burns Lake, in open meetings assembled, enacts as follows:

1) Citation

- a) This bylaw may be cited for all purposes as "The Corporation of the Village of Burns Lake Cemetery Bylaw No. 928, 2011."

2) Definitions

- a) "Authorized Person" means the person appointed by the Chief Administrative Officer to carry out any act or function under this bylaw.  
b) "Child" means any person under and up to 3 years of age.  
c) "Grave space" means a space of ground in the cemetery used or intended to be used for the burial of human remains or cremated remains.  
d) "Niche" means one designated space in the columbarium.

3) Establishment of Cemetery

- a) The following land is set aside in perpetuity for the Municipal Cemetery:

Lot 2, Plan 2018, District Lot 5341 and District Lot 2138, Range 5, Coast District

- b) A copy of the cemetery plot plan and this Bylaw must be available for public inspection at the Municipal Office and the Cemetery.

4) Organization, Operation and Management of Cemetery

- a) The Authorized Person will be responsible for the following:

- i) maintaining all records and files of the Cemetery necessary for the administration and management of the Cemetery as required under this Bylaw and the *Cremation, Interment, and Funeral Services Act*;
- ii) reviewing and issuing Cemetery Plot Licences, Interment Permits, and Exhumation Permits;
- iii) upon issuing any Interment Permit or upon receiving authorization for exhumation from the proper authorities and issuing any Exhumation Permit, confirming and notifying municipal public works employees of the time of the intended interment or exhumation, the name of the deceased, the number and location of the grave space, or niche and any instructions of the Medical Health Officer, relative to the interment or exhumation;

- iv) maintaining an accounting of all monies received and expended under this Bylaw.

- b) The following duties and responsibilities will be performed by the Corporation of the Village of Burns Lake:

- i) digging, preparing, opening and closing grave spaces and opening and sealing niches;  
ii) directing all funerals in the cemetery to the correct grave space or niche;  
iii) installing memorials on grave spaces and niches and constructing foundations and bases;  
iv) maintaining the cemetery in a neat and tidy condition, including maintaining fences, gates, paths, and other cemetery improvements.

5) Fees and Charges

- a) The fees for grave spaces, niches, interment, exhumation, and all other applicable cemetery fees included in this Bylaw are set out in the current Corporation of the Village of Burns Lake Fees and Charges Bylaw.

6) Sale of Grave Spaces and Niches

- a) Upon receipt of the applicable fees and charges, the Authorized Person may sell an unsold grave space or niche and must issue a Cemetery Plot Licence provided Schedule "A" of this Bylaw is completed.
- b) A Cemetery Plot Licence holder for a grave space or niche which has not yet been used may return the grave space or niche to the Corporation of the Village of Burns Lake for the amount the Cemetery Plot Licence Holder paid for the grave space or niche, less any perpetual care reserve fund fees paid. The Cemetery Plot Licence may then be sold to another person.

7) Transfer of Grave Spaces and Niches

- a) The Cemetery Plot Licence Holder for a grave space or niche, which has not been used, may transfer the grave space or niche to another person, upon providing the Authorized Person the following:
  - i) full name and address to whom the Cemetery Plot Licence is being transferred;
  - ii) the applicable perpetual care reserve fund contribution;
  - iii) the Cemetery Plot Licence issued for the grave space.
- b) Once the Authorized Person receives the necessary information and fees as described in Section 7a of this Bylaw, the Authorized Person must cancel the original Cemetery Plot Licence and issue a revised Cemetery Plot Licence in the name of the transferee and record the transfer in the records of the cemetery.

8) Permit to Inter

- a) No human remains or cremated remains will be interred in the cemetery until a Cemetery Plot Licence and an Interment Permit are obtained from the Corporation of the Village of Burns Lake and the applicable interment fees and charges are paid.
- b) All applications for an Interment Permit must be made to the authorized person at least two working days prior to the time of interment and must be made at the Municipal Office during regular municipal office hours.
- c) Any person making an application for an Interment Permit must complete Schedule B of this Bylaw.
- d) Upon the Authorized Person receiving a complete Schedule B and the applicable fees and charges being paid, the Authorized Person may issue an Interment Permit.
- e) Residency is determined by the last permanent address of the deceased.
- f) The Medical Health Officer may direct, pursuant to the *Health Act Communicable Disease Regulation*, that a body be interred in the Cemetery during any period when the municipal office is closed.
  - i) When the body delivered to the cemetery for interment is subject to directions of the Medical Health Officer under the terms of the *Health Act Communicable Disease Regulation*, the person delivering the body to the Cemetery must inform any person performing the interment and the persons performing the interment must fully and carefully follow any instructions given by the Medical Health Officer respecting the interment.
- g) Grave liners are mandatory.

## 9) Permit to Exhume

- a) No human remains or cremated remains will be exhumed or disinterred from the Cemetery unless:
  - i) the Authorized Person receives a written request to do so from the person who has the right to control the disposition of the human remains or cremated remains under the *Cremation, Interment and Funeral Services Act* and all applicable fees and charges are paid;
  - ii) the Authorized Person issues an Exhumation Permit;
  - iii) if required, the Authorized Person receives permission from the Medical Health Officer.
- b) The Corporation of the Village of Burns Lake is not responsible for damage to any casket, urn, or other container sustained during exhumation.

## 10) Grave Spaces

- a) All grave spaces will be the following sizes:
  - i) Adult and child –1.52 m in width x 3.00 m in length
  - ii) Cremated Remains –0.60 m x 0.60 m

## 11) Interment

- a) No person may dispose of human remains or cremated remains within the boundaries of the municipality except in accordance with this Bylaw.
- b) No body, other than a deceased human body, or the cremated remains of a deceased human body may be interred in the Cemetery and all interments shall be subject to and comply with this Bylaw.
- c) No Cemetery Plot Licence Holder or an Interment Permit Holder shall permit an interment to be made in a grave space, or niche unless such interment is made pursuant to this Bylaw.
- d) Only one Cemetery Plot Licence is issued per grave space; an Interment Permit and all applicable fees are required for each interment.
- e) Each interment in the Cemetery in a grave space, other than the interment of cremated remains, shall provide for not less than 0.9 m of earth between the general surface level of the ground at the grave space and the upper surface level of the casket containing the human remains. For cremated remains, there must be a minimum of 0.6 m between the general surface level of the ground at the grave space and the top level of the container.
- f) The following interment combinations are allowed in a 1.52 m x 3.00 m grave space:
  - i) two (2) casket interments. The first casket must be buried in the grave space at a deeper depth than the second;
  - ii) one (1) casket interment and three (3) cremated remains;
  - iii) six (6) cremated remains.
- g) The following interment is allowed in a 0.6 m x 0.6 m grave space:
  - i) two (2) cremated remains;
  - ii) first remains must be buried in the grave space at a deeper depth than the second, if known at time of purchase.
- h) No person shall inter any human remains or cremated remains in the Cemetery except between the hours of 8:00 a.m. and 4:00 p.m., Monday to Saturday (excluding statutory holidays), unless previous special arrangements have been made with the Authorized Person.
- i) No person shall dig or open a grave space, or niche except authorized municipal employees.

## 12) Cemetery Care Fund

- a) The Cemetery Care Fund is hereby established pursuant to the provisions of the *Cremation, Interment and Funeral Services Act* and the regulations under the Act.

- b) All specified fees and charges for the Cemetery Care Fund will be held by the municipality and invested in accordance with the *Cremation, Interment and Funeral Services Act* and the regulations under the Act as they apply to municipal cemetery care funds.
- c) The interest and dividend income earned by the Cemetery Care Fund will only be used for the purpose of paying liabilities of the municipality arising out of the care and maintenance services provided by any person for the cemetery.

### 13) Columbarium

- a) Each interment above ground must be done in a niche in the columbarium in the cemetery.
- b) An urn to be placed in a niche must be made of metal, plastic, stone, porcelain, or wood and manufactured for the express purpose of containing cremated remains.
- c) All memorial plaques are supplied by the Village of Burns Lake. Engraving is the responsibility of the Interment Permit holder.
- d) All memorials for niches must be installed by municipal employees once all associated fees and charges are paid.
- e) Each 30 cm x 30 cm niche may contain the following:
  - i) One urn with maximum dimensions of 26.7 cm wide x 26.7 cm high x 30.0 cm deep
  - ii) Two urns with individual maximum dimensions of 26.7 cm wide x 13.2 cm high x 30.0 cm deep

### 14) Memorials

- a) All grave space memorials must be supplied by the Interment Permit holder.
- b) No memorial will be installed unless the memorial conforms to the requirements set out in this Bylaw. Only authorized municipal employees may place memorials once all fees and charges are paid.
- c) No grave space in the cemetery may be defined by a fence, hedge, loose rock, or railing or any other material.
- d) Each memorial must be installed in a centered position at the head of the grave space.
  - i) If one memorial is to be placed over two plots it should be centered between the two plots.
- e) All memorials must conform to the following guidelines:
  - i) be made of stone or bronze;
  - ii) bronze memorial tablets may be smaller than the concrete base so long as the concrete base border is no wider than 5 cm, is the same width on each side of the tablet, and has a slightly beveled smooth surface to allow water runoff;
  - iii) each stone memorial tablet must be between 7.6 cm and 20.3 cm in thickness – the side surfaces must be true and perpendicular to the top surface.
- f) The top surface of each memorial must be, at a maximum, one of the following measurements:
  - i) For one grave space or double depth grave space (1.5 m x 3.0 m):
    - (1) 41 cm x 71 cm.
  - ii) For two grave spaces (in case of side by side grave spaces):
    - (1) 46 cm x 121.0 cm if one memorial is used for both persons.
  - iii) For cremated remains:
    - (1) 30.5 cm x 40.6 cm.
- g) All memorials are the property of the purchaser and required care or repair is the responsibility of the

purchaser.

- h) Municipal employees may arrange for the temporary removal of a memorial without permission of the Interment Rights Holder or the Cemetery Plot Licence Holder, if, during the excavation of an adjoining grave, 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, provided the memorial is replaced in its original position on the grave from which it was removed as soon as possible.

15) General

- a) All decorative objects placed on the gravesite are the responsibility of the purchaser and any damage to these items will be at the purchasers expense.
- b) Cut flowers, wreaths, solar lights, and artificial flowers may be placed on grave spaces but may be removed by municipal employees when their condition is considered detrimental to the aesthetics of the cemetery.
- c) No person, other than those authorized by the municipality, may plant any flora in the cemetery. Illegally planted flora will be removed.
- d) No person, other than those authorized by the municipality, may alter any flora.
- e) No person may willfully destroy, mutilate, deface, injure, or remove any memorial, fence, or structure within or surrounding the cemetery.
- f) No person may discharge firearms in the cemetery, except at a military funeral.
- g) No person may disturb persons assembled for a gravesite service or visit.
- h) Any vehicle in the cemetery must travel at or below 20 km/h.
- i) No person is allowed in the cemetery outside the normal operating hours of 7:00 am to 9:00 pm – seven days a week.
- j) Municipal employees will do their best to avoid damaging decorative objects while maintaining the cemetery.

16) Repeal

- a) The following bylaws are repealed:
  - i) The Corporation of the Village of Burns Lake Cemetery Bylaw No. 621, 1990
  - ii) The Corporation of the Village of Burns Lake Cemetery Bylaw No. 621, 1999, Amendment Bylaw No. 779, 2000
  - iii) The Corporation of the Village of Burns Lake Cemetery Bylaw No. 621, 1990, Amendment Bylaw No. 809, 2002
  - iv) The Corporation of the Village of Burns Lake Cemetery Bylaw No. 867, 2006
  - v) The Corporation of the Village of Burns Lake Cemetery Bylaw No. 897, 2009

This Bylaw may be cited for all purposes as the "*Corporation of the Village of Burns Lake Cemetery Bylaw No. 897, 2009.*"

READ A FIRST TIME this 20 day September, 2011.

READ A SECOND TIME this 20 day September, 2011.

READ A THIRD TIME this 11 day of October, 2011.

ADOPTED this 25 day of October, 2011.

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MAYOR

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ADMINISTRATOR

Certified to be a true copy of the "*Corporation of the Village of Burns Lake Cemetery Bylaw No. 928, 2011.*"

Including: Schedule "A" and Schedule "B"